

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 the United States Maimed Soldiers' League, for an increase of the pensions of those who lost an arm or a leg or were totally disabled in the war of the rebellion—to the Committee on Invalid Pensions.

Also, resolutions adopted by the McKeesport (Pa.) Board of Trade, favoring the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. ARNOLD of Pennsylvania: Petition of residents of State College, Center County, Pa., advocating the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BARHAM: Petition of citizens of Fort Jones, Cal., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the Grand Army of the Republic, Department of Iowa, urging the passage of the bill to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: Resolutions of Grand Army of the Republic post, Department of Iowa, favoring the passage of House bill No. 4339, for a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. DINGLEY: Petition of Mrs. M. S. Milliken and others, of Independent Order of Good Templars of Washington, D. C., for the establishment of an inebriate home and hospital in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of 203 composers of music and professional musicians, citizens of the United States, against any change in the copyright law which will compel the manufacture of music in the United States as a condition of copyright security—to the Committee on Patents.

By Mr. FITZGERALD: Petition of the Boston Chamber of Commerce, Boston, Mass., in favor of better immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of the Paint and Oil Club of New England; also of the Boston Merchants' Association, favoring the bill which provides for the establishment of a department of commerce and manufactures, introduced in the Senate on March 9, 1896, by Senator FRYE—to the Committee on Manufactures.

Also, resolutions of the Boston Merchants' Association; also of the New York Board of Trade and Transportation, asking for the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Commercial Club of Boston, Mass., favoring a currency immovably founded on the gold standard—to the Committee on Banking and Currency.

Also, petition of the Massachusetts Horticultural Society of Boston; also of the Bay State Agricultural Society of Boston, in relation to the distribution of seeds by the Department of Agriculture—to the Committee on Agriculture.

By Mr. GROUT: Resolutions adopted by the Board of Trade of St. Johnsbury, Vt., favoring the passage of the Southwick convict-labor bill—to the Committee on Labor.

By Mr. GROSVENOR: Papers to accompany House bill for the relief of Eva J. Stevens—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Sophia Kroll—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to James C. Wilson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to increase the pension of W. H. H. Adams—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to U. L. Daniels—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: Resolutions of J. H. Danseur Post, Grand Army of the Republic, of Lagrange, Ind., favoring a service pension—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of the Congregational Association of New Jersey, comprising churches in New Jersey, Pennsylvania, Maryland, District of Columbia, and Virginia, asking that prompt aid be extended to Armenian Christians—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Petition of Lucy, Kate, and Molly B. Petty, of Culpeper County, Va., praying reference of their war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLIKEN: Remonstrance of A. C. Goddard and others, against military training in the public schools—to the Committee on Education.

By Mr. PATTERSON: Petition of J. Henry Baker and William L. Baker, heirs of Moses Baker, deceased, praying reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCRANTON: Resolution of the Scranton (Pa.) Clerks'

Association, No. 127, favoring Government control of the telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Paper to accompany House bill to pension Mrs. Ann Maria Meinhoefer, widow of Lewis Meinhoefer—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petition of citizens of Benton, Ill., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of United States Maimed Soldiers' League, for increase of pensions of maimed veterans—to the Committee on Invalid Pensions.

Also, petition of the Old National Bank, Grand Rapids, Mich., praying for favorable action on House bills No. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNE: Petition of certain residents of West Duluth, Minn., for legislation against the manufacture of alcoholic beverages in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHEELER: Papers relating to the claim of B. S. Dempsey, of Floyd County, Ga.—to the Committee on War Claims.

By Mr. WHITE: Petition of citizens of Medora, Ill., favoring the passage of House bills Nos. 4566 and 838, relating to the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, May 14, 1896.

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

On motion of Mr. GIBSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

DONATION OF CONDEMNED CANNON.

Mr. BURROWS. I desire to enter a motion to reconsider the vote by which the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon, was passed by the Senate yesterday.

The VICE-PRESIDENT. The motion to reconsider will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House the resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

- A bill (H. R. 708) to increase the pension of Albert Ellis;
- A bill (H. R. 1185) granting a pension to Rachel Patton;
- A bill (H. R. 3189) to increase the pension of John S. Cochenour;
- A bill (H. R. 3448) authorizing the county of Navajo, Territory of New Mexico, to issue bonds for the construction of a court-house and jail at the county seat thereof;
- A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia; and
- A joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. GRAY and Mr. SEWELL members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. BLACKBURN and Mr. HALE members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PRACTICE OF MEDICINE AND SURGERY.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to the House its resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; and by unanimous consent the request was ordered to be complied with and the resolution returned to the House.

LIEN FOR FREIGHT ON IMPORTED MERCHANDISE.

Mr. FRYE. Yesterday, when we reached on the Calendar the bill (H. R. 6836) to amend section 2981 of the Revised Statutes of the United States as amended by the act of June 10, 1880, the indication on the Calendar was that the bill had been reported from the Committee on Finance without any recommendation, and under those circumstances the Senator from Connecticut [Mr. PLATT] moved the reference of the bill to the Committee on Commerce. The fact is that the Committee on Commerce a long while ago—two months ago, at least—favorably reported the bill.

Mr. PLATT. The Senate bill?

Mr. FRYE. The Senate bill. Later the other House passed a bill exactly like the Senate bill, and when it came from the House I asked that it might take the place of the Senate bill on the Calendar. That was agreed to, and the Senate bill was indefinitely postponed. I now ask that the action of the Senate yesterday, by which reference of the bill was made to the Committee on Commerce, may be reconsidered.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. FRYE. The bill was read yesterday. It is eminently proper and right, being recommended warmly by the Secretary of the Treasury, and as it will take but a minute, I ask that it may be put on its passage.

Mr. HILL. What is the bill about?

Mr. FRYE. It relates to the general average and charges of steamboat carriers.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

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

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

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the act (S. 1904) to regulate marriages in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Daughters of the American Revolution, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the Trades and Labor Assembly of Sandusky, Ohio, praying for the passage of House bill No. 5113 to authorize money-order post-offices to receive money on deposit; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of Harry Farmer and 11 other citizens of the District of Columbia, praying that Frank J. Metcalf, who was injured in the Ford Theater disaster, be awarded a larger amount for his injuries than that granted to him by the Ford Theater Commission; which was ordered to lie on the table.

PRINTING OF SECRETARY CARLISLE'S SPEECH.

Mr. VILAS. I move that the speech of Hon. John G. Carlisle, made before the workmen of Chicago, April 15, 1896, a copy of which I hold in my hand, be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from \$20 to \$50 per month, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1601) to amend the military record of John S. Evans, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 756) to correct the military record of William Kiser, of Noble County, Ind., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (H. R. 1109) granting a pension to Elizabeth Marshall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1734) to increase the pension of Ann Catherine Hull, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa., reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, reported it without amendment.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich., reported it without amendment.

Mr. MARTIN, from the Committee on Finance, to whom was referred the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, asked that the committee be discharged from the further consideration of the same and that the bill be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3122) for the relief of Bridget Lane, reported it without amendment, and substituted a report thereon.

DISCRIMINATING DUTIES.

Mr. CAFFERY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3040) to protect commerce, and for other purposes, to report it back with a recommendation that the committee be discharged from its further consideration, and that it be referred to the Committee on Finance.

Mr. President, the bill in question is substantially a bill to authorize the President of the United States, by proclamation, to levy discriminating duties in certain cases. Those cases are whenever any foreign country levies any discriminating tax or duty against the products of the United States or increases its bounty or premium upon its own exports coming into the United States. It provides that the President be authorized by proclamation to state that fact, and, after the proclamation, that the Secretary of the Treasury be required to ascertain the exact amount of discriminating duty in the one case, or the export bounty or premium in the other, and after the amount and nature of the duty or bounty be accurately ascertained, that the President be authorized to impose just such countervailing duty or tax as will offset or equalize the discriminating duty or bounty levied by the foreign country. I will state that the recent action of the German Reichstag emphasizes, in my opinion, the necessity of some legislation of the kind proposed in the bill reported back by me.

The Committee on Commerce considered that the subject-matter of the bill was one beyond their jurisdiction. The bill relating, although indirectly, to finance and tariff, was, as they considered, beyond their jurisdiction, and came within the jurisdiction of the Committee on Finance.

Mr. President, I will read from Willett & Gray's Daily Sugar Trade Journal, published in New York, of the issue of May 12, 1896, the following:

GERMAN BOUNTY.

The Reichstag passed the new sugar-bounty bill to-day, fixing rates of bounties of 2.50 marks on raws and 3.55 marks on refined per 100 kilograms, in place of 3 marks and 4 marks, respectively, as last proposed by committee. The new rates give bounty on raws of 27 cents per 100 pounds, against present bounty of 13½ cents per 100 pounds, and gives bounty on granulated of 38½ cents per 100 pounds, against present bounty of 21½ cents per 100 pounds.

Taking into account the amount of raw sugar required to make 100 pounds of granulated, the new rate will be equal to 30 cents per 100 pounds on raws, against 38½ cents per 100 pounds granulated, or, say, 8½ cents per 100 pounds more bounty on refined than on raws, against present difference of 6 cents per 100 pounds. With a small saving also in paying duties, the new law shows a total reduction in American refiners' present protection of, say, 3½ cents per 100 pounds, or one thirty-second of a cent per pound, which is sufficient to call for a countervailing duty on the part of the United States.

The immediate effect of the passage of this bill is to increase the value of the present stock and all productions of refined to August 1, when the new law takes effect, as it will cause a heavy demand for refined in Germany meanwhile, to avoid the increased consumption tax from 13 marks to 21 marks per 100 kilograms.

Under the action of the McKinley law, German raw sugar was imported into this country under the stimulus of the export bounty of Germany to a very great extent. Since raws were placed upon the tariff list and a tariff of 40 per cent was made for differentials on refined not so many raws have been exported. The export article of late has mostly been of refined. However, in that statement I do not pretend to be entirely correct, but it is safe to say that under the operation of this new law proposed by the German Reichstag, to take effect upon the 1st of August next, the nascent and growing sugar industry of the Northwest, of Nebraska, California, Utah, and other States, will be entirely destroyed, because the export bounty under this new proposed law of the Reichstag will be increased nearly a hundred per cent.

Mr. GEAR. Is the Senator able to inform us what is the present export bounty or premium on sugar in Germany, and what is the proposed bounty?

Mr. CAFFERY. The present bounty is about 32½ cents, and this increases it 27 cents, about 100 per cent. The present bounty on granulated is increased from 21 marks to 38½ marks.

Mr. GEAR. Thirty-eight marks on how much?

Mr. CAFFERY. On 100 pounds.

Mr. GEAR. That would be four dollars and some cents.

Mr. CAFFERY. I should have said cents instead of marks. This is the quotation:

The new rates give bounty on raws of 27 cents per 100 pounds against present bounty of 13½ cents per 100 pounds, and gives bounty on granulated of 38½ cents per 100 pounds against present bounty of 21½ cents per 100 pounds.

I am authorized by the committee, from which I report the bill back to the Senate, to request prompt action on the part of the Finance Committee on this very important measure. I am not authorized to say, nor do I say, that the committee is entirely in favor of the bill. The only expression is that they are in favor of prompt action, and I think it is due to the industry threatened by the German law that some prompt action be taken by the Congress of the United States.

Mr. President, in view of the fact that I am occupying the floor by the courtesy of other Senators, I shall not detain the Senate long, but I say the whole sugar industry is threatened with destruction by the proposed increase of bounty by the German Reichstag. The sugar industry is already laboring under a great many burdens, and I think it is meet and proper that the Congress of the United States should not permit a great industry like this to be destroyed by the discriminating action of a foreign country. That discriminating action has already driven out of Continental Europe all cane sugars, and if permitted it will destroy in the United States the industry upon which one-half of the people of my State gain their sustenance. Not to say anything about the possibility of the growth of the sugar industry upon the Pacific Slope and in the Northwestern States, there is a State already where this industry has taken deep root whose prosperity is threatened with destruction by the action of the German Reichstag.

I do not propose at this moment to discuss the features of the bill. I do not propose to dwell upon the point whether the Senate of the United States can take cognizance of such a bill. But I do want to direct the attention of the Senate and of the country to the fact that something is due to our home producers in the way of protection against the hostile action of a foreign country.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3147) granting a pension to Priscilla Wetterman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3148) granting a pension to Susan Buck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 3149) for the relief of James T. Smith; which was read twice by its title, and referred to the Committee on Claims.

Mr. DUBOIS introduced a bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALLEN introduced a bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. HARRIS.

Mr. CARTER submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. John S. Harris, late a Senator from Louisiana, the amount due from the beginning of his term on the 4th of March, 1867, until he was paid; said payment to be made from the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. GIBSON. I ask unanimous consent to call up the bill (S. 2147) establishing additional regulations concerning immigration to the United States, in order that I may submit some remarks upon it.

The VICE-PRESIDENT. The Senator from Maryland asks unanimous consent to call up the bill indicated by him, that he may submit some remarks in accordance with previous notice. Is there objection? The Chair hears none.

Mr. GIBSON. Mr. President—

Mr. MITCHELL of Oregon. If the Senator from Maryland will allow me, I wish to state that the regular order is the Du Pont case, and by unanimous consent it is understood that that will be set aside temporarily in order that the Senator from Maryland may make a speech; but if the discussion should be prolonged, I would have to object.

Mr. ALLISON. As I understand the agreement, it was that after the river and harbor bill was disposed of, and after the routine business of this morning, the Du Pont case was to be taken up and proceeded with and voted upon at 5 o'clock on the second day, unless sooner disposed of.

Mr. FAULKNER. No; at 5 o'clock of the second day.

Mr. GRAY. At 5 o'clock; not sooner. The proposition to vote earlier was rejected, so that everybody might be here at the hour named.

Mr. ALLISON. Very well. I do not see the Senator from Colorado [Mr. TELLER], who is in charge of the District of Columbia appropriation bill, in his seat; but I wish to give notice that if no one wishes to proceed upon the Du Pont case after the Senator from Maryland has finished his observations, that appropriation bill will be called up.

Mr. CULLOM. I should like to make an inquiry before this matter is passed over. There is a dispute as to the exact time we are to vote upon the Du Pont case.

Mr. MITCHELL of Oregon. Five o'clock to-morrow was the time fixed.

Mr. CULLOM. Not before that hour?

Mr. MITCHELL of Oregon. Not before that hour.

Mr. GORMAN. I appeal to Senators to allow my colleague to proceed.

Mr. MITCHELL of Oregon. Certainly; the Senator from Maryland has obtained unanimous consent to submit his remarks, and I ask that then the Senator from Minnesota [Mr. NELSON], who is anxious to make a speech of some three-quarters of an hour on the same subject, be permitted to do so, and after that the Du Pont case will be taken up and proceeded with.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Oregon [Mr. MITCHELL]. The Senator from Oregon requests that the Senator from Minnesota [Mr. NELSON] be permitted to address the Senate after the Senator from Maryland [Mr. GIBSON] shall have concluded.

Mr. GORMAN. With the distinct understanding, Mr. President, that immediately thereafter the Du Pont case is to be taken up and proceeded with according to the agreement entered into several days ago.

Mr. MITCHELL of Oregon. Certainly.

Mr. GORMAN. So that the vote upon the amendment to the resolution and the resolution itself shall be taken at 5 o'clock to-morrow evening.

Mr. MITCHELL of Oregon. That we shall proceed with the Du Pont case until 5 o'clock to-morrow, and then we shall proceed to vote on it; but what particular vote it shall be is a matter to be determined at the time.

Mr. GRAY. It is a vote to dispose of the case of Mr. Du Pont one way or the other; to admit him or reject him. That was the understanding.

RESTRICTION OF IMMIGRATION.

Mr. GIBSON. I ask that the bill (S. 2147) establishing additional regulations concerning immigration to the United States be read.

The VICE-PRESIDENT. The bill called up by the Senator from Maryland will be read.

The Secretary read the bill (reported by Mr. LODGE from the Committee on Immigration February 18, 1896), as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens excluded from admission into the United States the following:

"First. All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

"Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

Mr. GIBSON. Mr. President, with the broad acres of this country yet unsettled and untilled, with a land virtually unredeemed from primeval silence and solitude, with a soil as yet virgin, with an affluence and amplitude of domain adequate to the happiness and maintenance of 500,000,000 people, there is no reason why luxury and want and why capital and labor should look askance at one another.

While we have mountains to tunnel, rivers to bridge, forests to fell, and mines to develop there is no reason to turn back from our shores the offered laborer who asks for a home and opportunity of self-support on our unoccupied fields or in the channels of industry that need his labor.

Immigration is as essential now to our development as it ever was. From 1820 down to the present time the influx of foreign population to the United States has, in all those years, never been beyond 15,000,000 people. We have to-day in the United States a foreign-born population of 9,000,000 people, making an average of one foreigner to every nine native born. Within the period of forty years, from 1850 to 1890, there has been an increase in the census years of only 1 per cent in the foreign immigration to the United States in each ten years.

The following table shows the number and percentage of persons of foreign birth at each census from 1850 to 1890:

Census year.	Number of foreign born.	Per cent of total population.
1850	2,244,602	9.68
1860	4,138,607	13.16
1870	5,567,229	14.44
1880	6,679,943	13.32
1890	9,249,547	14.77

Instead of 72,000,000 people, the United States can accommodate hundreds of millions of people without being overcrowded. One of the most prosperous countries in Europe is Belgium, with a population of 530 inhabitants to the square mile. The next in population is England, with 505 to the square mile. The area of the United States, exclusive of Alaska, in 1890 was 2,939,000 square miles. This area of the United States, exclusive of Alaska, at the same ratio of population as Belgium and England, could support, instead of 72,000,000, the stupendous aggregate of over 1,557,670,000 people; that is to say, 100,000,000 more than the entire population of the whole earth to-day. We have one State, Texas, which is as large as England, France, and Germany combined. And yet with such a capacity and possibilities, when we have only 72,000,000 out of a possible 1,600,000,000, when we have only 21 people to support to the square mile, while Belgium has 530 and England 505 to the square mile, being at the same time the most prosperous nations of Europe, we talk about restricting immigration:

It will be interesting, Mr. President, in this connection to call attention to Mulhall's statistics giving the following table of inhabitants to the square mile in 1890 of the different countries in Europe:

United Kingdom..... 184	Portugal..... 136
England..... 505	Sweden..... 28
Scotland..... 135	Norway..... 16
Ireland..... 148	Denmark..... 133
France..... 320	Holland..... 350
Germany..... 233	Belgium..... 530
Russia..... 42	Switzerland..... 190
Austria..... 166	Greece..... 88
Italy..... 290	
Spain..... 86	Europe..... 90

United States, exclusive of Alaska and Indian Territory, 21.31 per square mile.

This shows that the most prosperous nations in Europe are those that have the largest population per square mile.

The Western States have for occupancy and open for settlement, exclusive of Alaska, 579,464,133 acres of land. This would make 3,621,650 homesteads of 160 acres each. On an average of five persons to a family, there is room in these States for 18,000,000 farmers, fruit raisers, wine growers, truck farmers, miners, mechanics, and laborers of all classes, which means 18,000,000 consumers of manufactured products; clothing, shoes, groceries, farming stock, implements, etc., giving labor to other millions of mechanics, miners, and laborers of all classes, adding billions to our national wealth.

The Western States want these lands occupied, and who will occupy them if the European immigrant does not?

But, even more than the West, the great undeveloped South wants immigrants, and is glad to welcome the foreigner, whether educated or illiterate, if he only works.

The Houston (Tex.) Post says that—

Texas can find room for 100,000,000 people and then not be as crowded as many countries are; in fact, not as much as some of the Eastern States in this Union are. And yet she has only 3½ or as much as 4 per cent of this number.

But, Mr. President, while I have here at hand any number of newspaper articles upon this important subject, I will spare the Senate the reading of more of them, but will ask permission that they may appear in the RECORD.

The density of population at the census of 1890, according to States, was as follows:

States and Territories.	1890.	States and Territories.	1890.
The United States.....	21.31	North Central division—Continued.	
North Atlantic division.....	107.37	Iowa.....	34.46
Maine.....	22.11	Missouri.....	38.98
New Hampshire.....	41.81	North Dakota.....	2.60
Vermont.....	36.39	South Dakota.....	4.28
Massachusetts.....	278.48	Nebraska.....	13.78
Rhode Island.....	318.44	Kansas.....	17.47
Connecticut.....	154.03	South Central division.....	18.94
New York.....	125.95	Kentucky.....	46.47
New Jersey.....	193.82	Tennessee.....	42.34
Pennsylvania.....	116.88	Alabama.....	29.36
South Atlantic division.....	32.98	Mississippi.....	27.83
Delaware.....	85.97	Louisiana.....	24.63
Maryland.....	105.72	Texas.....	8.52
Virginia.....	41.27	Oklahoma.....	1.59
West Virginia.....	30.95	Arkansas.....	21.27
North Carolina.....	33.30	Western division.....	2.58
South Carolina.....	38.16	Montana.....	.91
Georgia.....	31.15	Wyoming.....	.62
Florida.....	7.22	Colorado.....	3.98
North Central division.....	29.68	New Mexico.....	1.25
Ohio.....	90.10	Arizona.....	.53
Indiana.....	61.05	Utah.....	2.53
Illinois.....	68.83	Nevada.....	.42
Michigan.....	36.46	Idaho.....	1.00
Wisconsin.....	30.98	Washington.....	5.22
Minnesota.....	16.44	Oregon.....	3.32
		California.....	7.75

From whence it will be seen, Mr. President, that there is no necessity for this measure under consideration. In my judgment, Mr. President, our present laws, rigidly, conscientiously, and impartially enforced, are sufficient to prevent all the evils of immigration that are complained of. These laws not only prohibit the admission into the United States of Chinese laborers, but add the following classes of aliens:

All idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from loathsome or dangerous contagious diseases, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come.

If this legislation stopped here it would be sweeping enough in its character to meet every emergency in the way of restricting undesirable immigration, but it goes further than this. It provides that no steamship transportation company or owners of vessels shall directly or through agents, under heavy penalties, either by printing or personal solicitation, invite immigration to the United States, except by ordinary circular letters, or other representations stating the terms of transportation, etc.

It is charged that emigration is largely stimulated by steamship agents in Europe, and that the European countries send us their superfluous population. This assertion has no foundation in fact. Immigration to our shores is coming to be counted as a serious loss by the countries from which it is drawn. Indeed, the different governments of Europe do not think they have any surplus population and strive by the strongest laws to make emigration of their subjects as difficult as possible. In Germany, for instance, steamship agents are allowed to act only within a narrow range prescribed by minute police regulations. They must be residents of the district in which they do business and citizens of that country. They must obtain a license for that purpose and deposit a large sum (in Germany 20,000 marks) with the police authorities, and it is then difficult to obtain such a right. Often slight infractions of the police regulations and the emigration laws are at once punished by heavy penalties. No steamship line is permitted to circulate information about foreign countries which might be considered as inciting to emigration. Even a simple comparison, for instance, between Germany and the United States, showing the advantages of the latter, is considered as belonging to this interdicted class of literature.

In addition to these acts of Congress the most thorough sifting process takes place in Europe. When emigrants apply for passage they have to answer very particular and searching interrogatories, a copy of which must be filed with the Commissioner of Immigration in this country.

We have the testimony of the labor organizations of this country that the present laws, if carried out as they are now administered, fully serve the purpose for which they were intended. Let us glance for a moment at what the labor organizations have to say on this subject.

Mr. Samuel Gompers, president of the American Federation of Labor, which has an aggregate membership of 652,300, says:

While, in my opinion, it may be necessary to restrict immigration in some cases, American workmen are reluctant to impose any restraint upon the natural right of a man to choose his own place of abode.

Mr. Morse, secretary of the International Machinists' Union of America, says:

This trade is not much affected by the influx of alien labor. The foreign elements chiefly affecting the engineering trade are the Swedes and Germans.

"Swedes and Germans" are of the class of immigrants commended by the author of this bill as being those desirable.

Mr. O'Keefe, editor of the Knights of Labor Journal, says that this order does not object to immigration in the abstract, but does object to immigration induced by representatives of steamship companies or their agents.

Mr. Anderson, general secretary of the Philadelphia Operative Bricklayers' Union, with 36,000 members, states that this trade has no strong feeling against immigration. It may injure the trade here and there, but in the mass he thinks it does no harm.

Mr. P. J. McGuire, general secretary of the United Brotherhood of Carpenters and Joiners, says that his society is divided on the subject of foreign immigration, some being in favor of one and some of another bar of restriction; but in his opinion, as he says, the more thoughtful men among the members think that immigration in the past has really made the country what it is. He believes that New York changes its labor population every few years, men who have been there some time moving out and being replaced by newcomers.

Mr. G. W. Perkins, president of the Cigar Makers' International Union, of 30,000 members, says a large number of immigrants have come into the cigar trade. Of these, many are Germans who at first are socialists, but who gradually become good trades-unionists. A considerable number of Russian Jews have of late years come into the trade, but wages do not seem to have been reduced in consequence. On the contrary, they seem to have increased in the well-organized centers of the trade.

The New York State branch of the American Federation of Labor, sitting in Albany, reported among other things the following:

That while believing in the necessity of greater efficiency in the administration of the immigration department, we nevertheless hold that extreme radical measures of restriction would be contrary to the spirit of our times and the welfare of our country. Natural and wholesome immigration has been the source of unbounded benefit to our country, and our vast natural resources are such as would easily support many times our present population. * * * We wish to condemn the old Know Nothing sentiment which uses the immigration question as a pretext. The same spirit attempts to rise from the dead through this blind clamor and again bid defiance to the irresistible tread of industrial and social progress.

The Junior Order of American Mechanics, of 160,000 members, calls its itself a patriotic fraternity. In its declaration, among other things, it asserts:

We affirm a warm and hearty welcome to all immigrants who desire to better their condition and become a part and parcel of our nationality, but we have not one square inch of room for the anarchists, the socialists, or nihilists, or for any one who is not willing to vow allegiance to that flag which is powerful enough to shield and protect them as well as us in the exercise of our religions and civil liberty.

Among the opinions of statesmen and economists on this subject, Dr. Charles W. Eliot, President of Harvard University, has been good enough to say:

I believe every healthy and honest man, woman, or child brought into this country to be an altogether desirable addition to the resources of the United States. Consequently, I think that immigration should not be restricted, except by rules intended to keep out paupers, criminals, and persons afflicted with incurable or contagious diseases. As to the contract-labor law, it seems to me a stupid piece of demagogic barbarism. More laborers, skilled and unskilled, are just what this half-occupied continent needs.

Mr. Edward Atkinson, whose writings on economic questions are well known, in an article the drift of which will be gathered from its title, "Incalculable room for immigrants," says:

It seems almost pusillanimous to refuse a refuge to the oppressed and to the industrious and capable for fear the institutions of this country may suffer. If we can not deal with one-half of this great continent, of which the resources are as yet hardly even known, will not this prove that our capacity is not yet equal to our opportunities?

These labor organizations, therefore, do not favor any such proposed restrictive and prohibitive legislation as proposed by this bill, or a consular inspection, or a high head money tax. They, although subjected to the competition of new labor forces, have no voice to raise against the admission of alien immigration.

This law has been strenuously enforced ever since its enactment, and the good effects of it are discernible each year in the diminishing number of immigrants coming to our shores. By this bill it is proposed to make a new class of excluded immigrants, adding to those who have just been named "the totally ignorant." Paupers, diseased persons, convicts, and contract laborers are already excluded. Three of this class, paupers, diseased persons, and convicts, of course we do not want and will not have under any circumstances. The bill excluding contract laborers has excluded the best of the class of immigrants who would come to this country, the skilled laborers. Whether this is wise it is not my purpose now to consider. Now we propose to exclude the next best

class of laborers under the educational test. It is not the learned and the refined, it is not the doctors, lawyers, and professional men, whom we look for in the immigrant ship, nor yet the dilettante of the youth of southern Italy, who frequent the Olympic games, or, breathing fresh perfume from their curly locks, with their lily fingers pat the red brawn of the gladiators in the arena and bet their sesterces upon their head, but we do want the strong, clean-limbed, ruddy-cheeked, vigorous, young, and healthful toilers who are willing and able to carve out with their own good right hands the way to fortune and to favor in the land of their adoption. Uneducated they may be, not able to read or write in their own tongue or in that of any other, but not bad hearted; poor in purse, but not paupers.

We will educate these immigrants when they get here. We will find the task less difficult to make a homogeneous mass of these people, adapting them to our customs and to our purposes, than if they had preconceived notions from the education which they had received abroad. We do not want them partial to the learning and culture of Europe. We do not want an importation of men with ideas hostile to our native civilization. In the composite population of this Republic we will have a nation of Americans, peculiar to our own civilization. While it may not be "home born and home bred exclusively," in their hearts there will have grown up a spirit which will make them the faithful bodyguard of our liberties, who would be "driven into the sea at the point of the bayonet before they would renounce one principle of our Constitution."

Let us for a moment, Mr. President, consider the class of uneducated who came into our ports in the year 1895. Since the passage of this act of Congress referred to there has been a marked decrease in the amount of immigration to this country. Immigration for the fiscal year 1893-94 amounted to 285,631, and for the fiscal year 1894-95 to 258,536, a decrease of 27,095, thus showing the smallest immigration since 1879. Nearly a quarter of the Italian immigrants who have arrived at the port of New York lately have been debarred admittance to the country. Commissioner Senner says the wholesale detentions are having a deterrent effect on Italian immigration. As an instance of this, he says the steamship Hesperia, which has a capacity for 1,500 immigrants, is bringing only 200 to this port. I ask, Mr. President, to have made a part of my remarks Table No. 7 of the report of the Commissioner-General of Immigration, by which it appears that, owing to our healthful laws, immigration has decreased from the countries usually furnishing the greatest number of immigrants.

TABLE NO. 7.—Showing the increase and decrease, by nationalities, of immigrants arrived during the fiscal years ended June 30, 1894, and 1895.

Countries of nativity.	1894.	1895.	Increase.	Decrease.
Austria-Hungary:				
Bohemia, Moravia, Galicia, and Bukovina	6,147	6,297	150	-----
Hungary	14,700	15,206	506	-----
Other Austria	17,791	11,898	-----	5,893
Belgium	1,709	1,058	-----	651
Denmark	5,003	3,910	-----	1,093
France (including Corsica)	3,080	2,628	-----	452
Germany	53,989	32,173	-----	21,816
Greece	1,356	597	-----	759
Italy	42,977	35,427	-----	7,550
Netherlands	1,820	1,888	-----	432
Norway	9,111	7,581	-----	1,530
Portugal	2,196	1,452	-----	744
Roumania	729	523	-----	206
Russia (proper)	36,725	33,232	-----	3,493
Finland	2,553	2,675	122	-----
Poland	1,941	790	-----	1,151
Spain	925	501	-----	424
Sweden	18,286	15,361	-----	2,925
Switzerland	2,905	2,239	-----	666
Turkey in Europe	298	245	-----	53
England and Wales	18,748	25,045	6,297	-----
Ireland	30,231	46,304	16,073	-----
Scotland	3,772	3,788	16	-----
Not specified	60	24	-----	36
Total Europe	277,052	250,342	23,164	49,874
Mexico	109	116	7	-----
Central America	32	21	-----	11
Cuba	2,601	2,532	-----	69
Other West Indies	576	564	-----	12
British North American Possessions	194	239	45	-----
South America	39	36	-----	3
China	1,170	539	-----	631
Japan	1,931	1,150	-----	781
Other Asia	1,589	2,802	1,217	-----
Australia	195	89	-----	106
Hawaiian Islands	42	52	10	-----
Other Oceania	5	-----	-----	5
Africa	24	36	12	-----
Not specified	70	14	-----	56
Grand total	285,631	258,536	24,453	51,545

From the foregoing tables it appears that during the last fiscal year 258,536 immigrants arrived in this country. Of these, 256,117 were landed and 2,419 were debarred and deported at the expense

of the various steamship lines transporting them. Of those deported, 694 were under contract to perform labor in this country made previous to their arrival and 1,725 were deported as coming within the prohibitions of the act of March 3, 1891.

In addition to the above, 177 immigrants who had been landed were returned to the countries whence they came, having become public charges within one year after their arrival in the United States. The latter were returned at the expense of the steamship lines bringing them if the cause of their having become public charges existed prior to landing; otherwise at the expense of the immigrant fund.

It is gratifying, says the Commissioner-General of Immigration, to be able to say that—

We know of no immigrant landed within a year who is now a burden upon any public or private institution. The class of immigrants has been of a good, healthy, and hardy character, well qualified to earn a livelihood wherever their services were required. They comprised both skilled and unskilled laborers.

Now let us see in this last importation of 1895 how poor they were and how many paupers there were because of their illiteracy:

The money we know they actually brought with them amounted to \$4,123,723, but as the immigrant is only required to satisfy the inspector as to the amount when under \$30, he is not required to disclose any above that amount; yet with some it is reasonable to suppose that the money actually brought very much exceeds that reported, as in many instances they bring comparatively large sums to invest in small business enterprises or to purchase lands and build homes for their families in the New World. Experience shows that this amount could be safely multiplied three or four times.

Multiply, therefore, the four millions, as ascertained that they actually brought, by four, and we find that instead of bringing four millions they brought sixteen and a half millions.

Of the 153,000 immigrants arriving at the port of New York during the six months ended June 30, 1892, more than \$3,060,000 was brought in, one man bringing with him \$25,000 and another \$10,000. Multiply these as stated by Commissioner-General Stump and we have nearly twelve and one-half millions in 1892. An incident showing the amount of money brought to this country by aliens was disclosed at Ellis Island when upon searching an immigrant it was ascertained that he had more than \$10,000 in his possession, although at the time of preliminary inspection he had informed the officers that he had no money whatever. The junior Senator from Massachusetts [Mr. LODGE], arguing from the report of the committee, claims that the immigrants who would have been shut out by the illiteracy test are those who bring less money to the country and come most quickly upon public or private charity for support. And yet the class of immigrants coming in within the two years referred to, though largely illiterate, added to the material wealth of the United States twenty-eight and one-half millions.

In summarizing the results of the committee's investigations, which have been fully set forth in their report, as referred to by the distinguished Senator from Massachusetts, it is found that he claims that the illiteracy test will bear most heavily upon the Italians, Russians, Poles, Hungarians, Greeks, and Asiatics. These are the immigrants the educational test will keep out, while the consular-inspection bill could not keep them out; whereas, judging from a letter addressed to me, under date of April 16, 1896, the American Anti-Semitic Association, Brooklyn, N. Y., protests most loudly against the educational test, claiming that this would let in the classes that ought to be kept out, as all of these can read and write. They demand equally loudly the passage of the Stone consular-inspection bill. Now, as between the Russian Jews themselves and the Senator from Massachusetts, on this educational test being effective, who is right and who is wrong? The Russian Jews ought to know!

The letter is as follows:

BROOKLYN, N. Y., April 16, 1896.

HONORED SIR: We respectfully beg to call your attention to the inclosed resolutions, passed at the regular monthly meeting of the American Anti-Semitic Association.

Advices received from Washington say that a powerful Jewish lobby, pretending to represent the German-American voters, is at work to prevent the passage of effective laws that would hinder the immigration of their own people; and to our great consternation we noticed that recent proceedings in the House Committee on Immigration seem to indicate.

Public opinion calls for effective measures. The educational-test bill will not exclude the Russo-Polish Jews. They all read and write the Hebrew jargon.

We endorse the consular-certificate bill for the countries of eastern and southern Europe.

Shall the Rothschilds and Hirschesscore another victory against the American people?

Yours, very respectfully,

FR. JO. GROSS,
The President of the A. A. A.
E. FINDEISEN,
Chairman of Committee.

To the Honorable Senator CHARLES H. GIBSON,
Washington, D. C.

AMERICAN ANTI-SEMITIC ASSOCIATION,
Brooklyn, N. Y., April 16, 1896.

PROTEST AGAINST THE JEWISH IMMIGRATION.

Resolutions passed at the regular monthly meeting of the A. A. A.

Delegates from branch organizations were present.

Whereas the present laws for excluding the objectionable Russo-Jewish immigration have proven entirely insufficient, and the moral and social danger of a continuous influx of these people is strongly agitating the public mind;

Whereas in a history of over two thousand years the Jews have never shown an example of assimilation with other nations, and the presence of this people, alien in race and religion, striving after the financial and political supremacy in the Christian countries of the world, is creating serious disturbances everywhere:

Resolved, That we protest against the passage of the McCall educational test bill as entirely inadequate to debar these people, nearly all of them being able to read and write the Hebrew jargon.

Resolved, That we favor the Stone consular-certificate bill for the countries sending us this undesirable immigration, namely, Russia, Austro-Hungarian Empire, Italy, Roumania, Servia, Bulgaria, Turkey, Asia, and Africa, with the instructions to the United States consulates abroad.

E. AUG. LEHUERMANN,
The Secretary of the A. A. A.
E. FINDEISEN,
Chairman of Committee.

Mr. President, if the United States intends to close our portals to foreign immigration entirely, if we propose to say that we have enough of foreigners on our shores, and that we do not want any more and will not have any more, well and good; let us say so. No objection under the law of nations can be made to our so doing. If we are going to surround ourselves with a Chinese wall, over which none save the anointed children of education shall climb, under the specious claim of protection to American labor, as in the past we have undertaken to build a like wall for the protection of American manufactures, then let us do it, and take the consequences. But we will not put ourselves, I take it, in such an attitude to the rest of the civilized world.

If our purpose springs from a fervent desire to benefit the people by restricting immigration, then we must look for some more legitimate and practical means than this measure now under consideration. This bill will not accomplish it. Of all the proposed legislation before the Senate of the United States within my experience, nothing is further removed from wisdom and justice than this. It is undemocratic, un-republican, un-American, and has no health in it. It is barbaric and cruel; in its operation it will separate families and divide those among them who may be able to read and write from those who can not. It is a standing menace to the future of the West and South; it will keep out from the country immigrants who are desired and will admit those who are not.

The uneducated laborer, whose strong muscles and willingness to work we are in need of, will be driven back, while the communist and socialist, and loud-mouthed and filthy anarchists who labor with their tongues, demagogues, et id omne genus, because they are able to read, will be allowed to come in—evil fellows who work not themselves, but who foment discord and discontent among workmen, who, if left to themselves, would be good citizens. These are the educated class whom this bill would admit.

The question of restricting immigration into the United States is not a new one. It has been the subject of legislation heretofore. We have all the laws we want. In some parts of the world there are too many people for the work there is to be done, and in other parts there are not enough. Whenever these conditions arise the excess of laborers in one part of the world seeks the excess of labor in the other part. The process began with the beginning of time and will continue to its end. Our present position among the nations is greatly due to it. If the increase of our population had been dependent upon the excess of persons born and growing to maturity over those dying, it is quite safe to say that its number would not be more than half, possibly not more than a third, of what it now is. Instead of having more than 70,000,000 of people within our borders we would have only 40,000,000, or perhaps only 30,000,000.

A great part of what has been done to open up our country and develop its resources would have remained undone. It would have been impossible without the aid of the strong and willing laborers coming to us from the old countries to have made a great part of the West fit for the homes of the splendid population which now enjoys it. The thousands of miles of railroads that cross and recross our country in every direction, annihilating distance and making those who live in the remotest parts neighbors to all the rest, could not have been built. The commerce carried by the agency of these roads would not have sprung up and the numerous and happy villages and cities created and supported by it would have no existence. Without the men who have sought homes on our shores our mines would have remained unopened, our canals undug, and many of our useful industrial works unperformed.

Without them our people might still have skirted the slopes of the Alleghanies; the western boundary of our civilization might still be on the east side of the Mississippi, and the wide expanse beyond might still have remained the pasture of the buffalo and the hunting ground of the savage, where the rank thistle nods in the wind, and where the wild fox digs his hole unscared! The downfall of this great and glorious Republic from any cause, at any time to which the most farsighted can now look forward, is not a matter of dread to me. But if in the dim, mysterious future, mercifully made impenetrable to our gaze, there should come a period when this country, the pride of her own people and the

admiration of the world, shall endure the lot of all things perishable, among the causes of its downfall immigration will not be found.

Mr. Jacob Riis says:

The immediate duty which the country has to perform for its own protection is to school immigrant children first of all into Americans, and next into useful citizens. The problems that seem so perplexing in the light of freshly formed prejudices against this or that immigrant yield to the simple solution that discovers all alarms to have been groundless. Yesterday it was the swarthy Italian, to-day the Russian Jew, that excited distrust. To-morrow it may be the Arab or the Greek. The one immigrant who does not keep step or, having fallen out of the ranks, has been ordered to the rear, is the Chinaman, who brought neither wife nor child to push him ahead. He left them behind, that he might not become an American, and by the standard he himself set up he has been judged.

It has been the wise policy of our Government to welcome the immigration of all classes of laboring men. For a time it was wholly unrestricted, and as long as the flow was natural, consisting of a stream of hardy, healthy, and honest men and women, coming of their own accord, no restriction was required; but when advantage was taken by organizations in various parts of Europe of the lack of laws in this country regulating immigration to ship paupers, cripples, diseased persons, whom they wished to get rid of, and criminals, proper measures were speedily taken by our Government.

I am opposed to the passage of this bill and am unwilling for it to become a law. It is not needed. The spirit that presided at its birth and now urges its passage is illiberal and un-American. It is the same spirit that spread its baneful influence over the country some forty years ago, which apparently died out; but which again shows sign of pernicious activity; and the bill is worthy of its originators. It appears to be general in its purpose; but is certainly aimed at the poor and ignorant alone. It is carefully drawn, and is accompanied by a report containing numerous tables prepared to show the necessity for its enactment. The classes especially aimed at by it are the Bohemian, the Russian, the Italian. These are declared to be unfit to land on our shores and to become our fellow-citizens.

But—

Says the New York Journal of Commerce—

experience has shown that no aliens coming here have done the country better service, and they have been among the most peaceable of the people.

Three arguments are presented why this bill should become a law:

First. The selfish one that if the people excluded by the bill are allowed to come in they will compete with Americans for work and lower their wages.

Second. That such immigrants are idle and vicious, and likely to be a plague and burden to the community.

Third. That they are alien and inferior, and if allowed to mix with our people will deteriorate them and lead to national decadence and ruin.

It does not require much consideration of the first argument to arrive at the conclusion that it is wholly groundless and no reason at all. The best proof that unrestricted immigration does not tend to reduce wages is the fact that at the present day, after all these years of unrestricted immigration, the wages of the workman in this country are higher and the hours of daily labor shorter than ever before. It needs only a superficial acquaintance with the nature of wages to show that they do not decrease as population increases. England has a greater number of inhabitants per square mile than Germany, and yet wages are higher in England than in Germany; and the same relation again exists between Germany and Russia. It is principally the skill and productiveness of the laborer that determines the rate of wages. As long as there is room in this country for both skilled and unskilled labor we should welcome every man that is willing to work.

And again, labor unions, which more than ever before in the world watch over the interests of workingmen, by direct or indirect methods effectually prevent the undercutting of wages. The rise and fall of wages due to obscure causes may occur, and be without remedy, but if it is caused by nothing else than competition among the workingmen themselves, labor unions may be depended upon to regulate it. But competition between laboring men of the class affected by this bill and Americans will never be, for skilled labor and unskilled labor work in different fields, too far apart for the higher class to be interfered with or jealous of the lower. As compared with the laborers of the class affected by this bill, all Americans are skilled laborers. They seek the shops, factories, foundries, machines, railroads, engine rooms, bridge and iron constructions, and other places where special aptitude, training, and acquired skill give larger value to their labor. There is no danger that he will overstock the market or that there will be more of him than there is demand for. In the Iron Trade Review of Cleveland there is an article calling attention to the scarcity of skilled men. And in all the departments where their work is needed there is an increasing instead of a decreasing call for such workmen.

But the Bohemian, Russian, and Italian must take and are glad

to take the meaner sort of occupations—street sweeping, sewer cleaning, the digging of ditches and drains, the making of excavations, the outdoor work about mills and factories, which does not require skilled labor or special training, but only strength and industry—menial service, peddling, waiting in hotels and restaurants, fruit selling, knife grinding, toy and image making, and a great many other things which Americans do not seek and will not willingly undertake. All of these, together with many indoor employments, such as cigar and garment making, fall to the share of the newly landed, poor, and illiterate immigrants. Americans do not want such work. Hebrews, Russians, and Italians do want it; and the reason for their coming is that they may get it. They are the only persons to do it, and their presence here is a logical necessity.

The second reason alleged why this bill should pass is that these people are idle and vicious. The argument seems to be that poor and ignorant people are idle and vicious; that these people are poor and ignorant, and therefore are idle and vicious. I admit these people are poor and ignorant both, but even if they are it does not follow as a consequence that they must be vicious. A writer in the Forum of July 1, 1892, well observed—

That no sensible man will deny or underestimate the value of knowledge or education, but they do not form the only criterion to judge the worth of a man. Virtue and patriotism are not privileges belonging exclusively, or even preeminently, to wealth and learning. Scoundrels usually possess a fair education, so far as it can be acquired in schools or from books, and an educational test, in its practical workings, may not prove to be what is expected by its advocates.

Governor John Page, of Virginia, reported Patrick Henry as saying: "Natural parts are better than all the learning on earth."

And, indeed, the experience of all men is that the poor and ignorant are far from being necessarily bad, and it is a cruel and wanton injustice to make such a charge against them.

The tables in the report accompanying this bill show that there are a great many juvenile offenders whose parents, one or both, are foreign. But the census of 1890 shows that one-third of our people are children of parents one or both of whom came from another country. So it does not follow that these juvenile offenders are only of Russian, Bohemian, or Italian origin. They may be of other foreign parentage. In this respect the tables are ambiguous, insufficient, and valueless to prove the charge made by the advocates of this bill against this class of immigrants.

It may also be remarked, in passing, that the term "juvenile offenders" may include little chaps who have been arrested for playing ball in the streets, for being impudent to a majestic cop, or for trespassing upon forbidden grass. The offenses, at any rate, can not be very heinous.

It will be instructive to hear what is said of this class of immigrants by persons who have made a study of them. Tissot, a well-known French writer, says of the Russians:

There is nothing more gentle, more humane, than the Russian peasants, and murders are much less frequent in the Muscovite country districts than in the streets of Berlin and Paris.

In the consular reports published by the State Department in 1890 Italians are thus spoken of:

He gives the police no trouble; the criminal statistics of New York show a diminution in the arrest of foreigners. Only 794 Italians out of a total of 20,000 arrests in the last quarter of 1889, and these mainly for petty offenses. Of the 794 arrests of Italians, but 17 were women. The Italians of New York in some respects may not be a very desirable fraction of the population, but it does not appear to be disorderly or dangerous. The little knowledge of the anarchist is more dangerous than the industrial ignorance of the Latin races. These people are chiefly the peasant farmers of Calabria—vigorous in body; if illiterate, not stupid; if poor, not paupers; intellectually above the average so far as native powers are concerned. I was able to find among 1,075 immigrants not one dweller in an Italian city; all were peasants originally in Italy. As the Irish took the unskilled work off our hands a quarter of a century ago and the French Canadian came to relieve the Irish, it is now the Italians who have come to relieve the Canadian French. It is impossible to develop new country, to open new railways, to build new cities, without unskilled labor. New countries require a larger contingent of raw muscle than old countries. The Italian came because he was wanted.

The Italian beggars do not emigrate. The lazzaroni of Naples can not be induced to go elsewhere, for nowhere is life so easy to him. As a rule, the conditions of life are such that dwellers in cities do not migrate. If we get the illiterate immigrant, we also get the bone and sinew of Europe. What manner of men and women ensue depends in part on the environment which this country supplies.

You in the United States get our better industrial lower class. We could not get our tramps to go if we wanted to. You will find an improvement in the Italian immigrant of the future, I think, because education in Italy is now compulsory, as it is in most of European States to-day. All the younger ones can now read and write.

How easily these immigrants fall into American manners one must have noted who has observed the effect of one or two years of American life on the abject and underfed Italian peasant. Between this adaptability on the one hand and an intense nationality on the other hand, it can easily be seen that Italians who lose their grip of Italy will speedily get a powerful American bias. Their children, at least, are likely to be good citizens of the Republic, perhaps in many cases as valuable as the descendants of Gallic or Teuton stock. Variety of stock must itself strengthen the race whose energies already express the best results of the combination of northern races. As the Latin stock contributed not a little to German vigor, may not the same stock reinforce the new nation on this side the sea?

The largest permanent immigration is from the province of Turin. From Lombardy permanent immigration also tends to increase. Calabrian immigration also increases, but arrivals from Tuscany are diminishing. Rome sends absolutely no Roman, old or young. It is a fact suggestive of the powerful hold of the cellars and attics of crowded European cities that, although

Naples is the most densely populated city in Europe, many a village of Calabria sends to the United States more immigrants. It is not cities that are contributing to the cities.

Mr. Landis, of Vineland, who has had most extensive dealings and intercourse with the Italians, both in their country and in this, says:

In the settlement of Italians of Vineland there is a population of 1,000 Italians, about 6 to 12 in a family. There are in this Italian colony 200 owners of land; the farms average about 20 acres each. I sold the land on credit, mainly. The occupants invariably pay for their places and get on well. Since 1871 these Italian families have averaged about \$20 each increase of wealth, so that their industry since 1871 (a period of about twenty years) represents an aggregate of \$400,000. There is not an Italian in my county in an almshouse. There is not an Italian begging in the place.

The lesson of my journey in Italy is that the Italians are good farmers, steady, sober, and industrious. The sense of art, which is powerful in the Italian race, crops out even in their agriculture. Their cottages are tastefully treated; their interiors are attractive; their agricultural utensils are primitive, but they move forward on touching land in the New World. One-half the Italians in the Vineland settlement can read and write.

The testimony that I have been able to collect relative to the Hebrews exhibits their character in an equally favorable light. I quote from the Forum, volume 16, page 172:

Those who are willing enough to admit our indebtedness to immigration in the past, object to Jewish immigrants, saying that the character of our immigrants is not what it was twenty years ago, forgetting that twenty years ago the prejudice against Irish immigrants was as strong and unreasoning as that which now exists against Jewish immigrants.

Although the Russian Jews have now for several years taken an active part in the industrial, intellectual, and civil life of New York, few of its citizens know anything of this earnest, intelligent, and intensely interesting people.

The Jews are a temperate people, and the saloon is not likely to become an element in their social or political life. * * *

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Jewish immigration is free from the objection so commonly urged against immigration in general, that it increases crime and pauperism. The Jewish quarters in New York, although more densely populated than any other tenement-house district, is rarely the scene of serious brawls or disturbances. Policemen are rarely seen there, and these find but little demand for their services. The records of police courts are remarkably free from Jewish names. This is principally owing to their temperate habits, while their strong domestic virtues, their love of their wives and children, prevent family troubles, whose settlement forms so large a part of the work of civil courts and police justices.

Statistics show that during the last few years, when Jewish immigration has so largely increased, crime among this nationality has not shown a corresponding increase. The whole number of Jewish prisoners in New York State is 30. This remarkably small number in a State which contains so large a Jewish population is a conclusive proof of their law-abiding character.

In Sing Sing, out of a total of 1,600 prisoners, there are only 72 Jews, and of these 19 are American, leaving only 53 foreign born. In Clinton prison, among 900 there are only 25 Jewish prisoners. In Auburn there are 36 Jews among 1,100. In the workhouse on Blackwells Island out of 1,100 inmates there are only 5 Jews. The superintendent of the workhouse says that a Jew is seldom brought back a second time. There has never been a Jewish woman in the workhouse. In the penitentiary at Albany there are only 2 Jews among 700 prisoners. There is 1 Jew prisoner in each of the penitentiaries of Syracuse, Rochester, and Buffalo.

The Anti-Immigration League of Boston has published a mass of statistics intending to show that Italians, Hungarians, Russians, and Poles are less desirable immigrants than those coming from other European countries, but from the Massachusetts reports the character of these people is doubtless the same here as in other States, so that the facts of their criminality, insanity, and pauperism, compared with the people of other parts of Europe which are found here, will hold all over the country. Take the last report of the Massachusetts State prison, in the official year ended September 30, 1893. There were 140 commitments. Of those committed, 97 were native born, and of those born abroad, 5 came from the British provinces, 15 from Ireland, 7 from England, 1 from Scotland, 1 from Wales, 3 from France, 4 from Italy, 1 from Germany, 1 from Austria, 1 from Sweden, and 1 from Finland. Italy and Austria, the countries complained of as furnishing the worst immigrants, contributed only 5, and Russia and Poland none of those committed. This looks as if these objectionable people were really the desirable ones.

Take the last report of the State reformatory for the same official year. The commitments during the year were 185, of whom only 11 came from Austria, Italy, Poland, and Russia together. There, once more, the case against the south and east of Europe is so much reversed as to make the figures of the league look ridiculous.

Take, once more, the birthplace of prisoners committed to all the jails and houses of correction in the State of Massachusetts for the same year. The total was 11,824, of whom only 177 came from Italy, Russia, Poland, Austria, and Hungary. There, again, is by far the best showing for these people who are principally aimed at by the league as the poorest of our immigrants.

In a notice published last year in a New York paper Mr. William Lloyd Garrison, takes issue with those who regard a restriction of immigration as desirable, quoting the authority of Dr. Senner, the immigration commissioner of New York, who has kept a record of what becomes of the foreigners who land at that port. Mr. Garrison denies that it is the "dregs and offscourings of Europe" that land upon our shores. "On the contrary, it is not the poorer class

of European cities who emigrate to America, but the harder working people from the rural districts. But even if all immigration were seriously objectionable, it would still amount to only one family added to a preexisting hundred every five years. Our institutions must have lost their vigor if they can not subjugate 1 per cent of elements the most unruly during the term prescribed as the preparation for citizenship. Even if they come to be massed together in groups that are congruously un-American, they have still the environment of our educational system and our laws, and these have accomplished greater transformations than that of Hungarian miners and Italian laborers into useful American citizens."

If the problem of assimilating the "foreign element" had been an excessively hard one, the effect would be shown in the States where there was a preponderance of the "foreign element"—either foreign born or of immediate foreign descent. Massachusetts had 57 per cent foreign born or of foreign parentage; Maine 77 per cent. Maine is therefore a more representative American State than Massachusetts; but is there any distinction in the institutions or the legislation of those States that would warrant the belief that the "foreign element" in Massachusetts had not been successfully assimilated? In Minnesota there are to each 100 native inhabitants 239 of foreign birth or of foreign parentage, and in Wisconsin the proportion is 100 native to 264 foreign. Is there anything in the government of these States, or in the tendency of their institutions, such as schools, courts, etc., indicating that the foreign element was injuriously affecting the welfare of the country? Is there any higher grade of intelligence, public spirit, or material prosperity in Indiana, Maine, Missouri, or Kansas (States showing strong antiforeign complexion) than in Wisconsin or Minnesota? On the contrary, are these latter not the peers of their sister States in the conditions referred to?

On the 11th of April the same Mr. William Lloyd Garrison, whose remarks I have given above, at a dinner given by the Massachusetts Reform Club in Boston, speaking on the subject of the restriction of immigration, said:

You may prove that in the slums of the city there is an undue proportion of illiterate foreigners. You can not prove that their condition is not bettered by their change of place.

The measures proposed to limit immigration are ridiculously inadequate. The \$10 fine will simply be an addition to the passage money, depleting to that extent the scanty possessions of the poor people who need every penny of their hard-earned savings to start the new life. The test of reading and writing is worthless as a safeguard of character.

To stop emigration or to reduce emigration European nations must remove the causes which are behind emigration—land monopoly, landlordism, and militarism, words of golden truth. Our most effective method of stopping this influx will be to cultivate these same devastating causes. These causes are the common enemies upon which the guns of reformers should be trained, not upon fugitives from European and Asiatic oppression. [Great applause.]

The Hon. John E. Russell, ex-governor of the State of Massachusetts, on being called upon to speak upon the same subject, said:

I do not think that the test of illiteracy is of much good as an immigration test. I agree with Mr. Garrison's remark that the country is in more danger from the illiterate than from the literate. It is the cupidity and neglect of the literate which we need to fear most.

This testimony to character comes from those who have studied this class of immigrants, who are fair minded and not infected by the pestilential intolerance that characterizes the real promoters of this bill. It is not among this class of immigrants that the professional disturber of the peace, the avowed enemy of social order, is ever found. They do not furnish the sturdy vagabond, ever ready to commit robbery and murder if his unwarranted demands for money are not at once complied with; the instigators and leaders of riots, the manufacturers and throwers of bombs, or those who penetrate into the homes of prominent citizens to destroy with malignant wantonness lives useful to the state. But it has been asserted that we have already had all or nearly all the immigration required. The examination of this part of the subject will be brief.

The Congressional committee appointed in 1892 to investigate the immigration question in its official report made the following statement:

We welcome with open arms the worthy immigrant who, by himself or with his family, comes to our country to live under its laws, to make it his home, and, together with our yeomanry, by honest toil and labor, seeks to better his condition.

Not less significant was the address of the governors of Southern States, who met in convention at Richmond, Va., at the beginning of the year 1893. This address was directed to the people of the United States and Europe, and contains the following passage:

They (the Southern States) are anxious to have immigrants settle among them. To the worthy immigrant they extend the hand of welcome, with the assurance that he will find an educated, warm-hearted, hospitable, progressive people, among whom he can live in amity and peace, without regard to his religion, his politics, or his nativity.

It seems, therefore, that the hue and cry which has been raised against immigration is confined almost exclusively to a few States where the American Protective Association and the Boston Anti-Immigration League have been able to work upon the feelings of the native element. The people, however, who so vehemently inveigh against foreign immigration because the populous cities of the East are not apparently in need of any increase of population from that source, entirely forget that the West and South possess nearly all the primary wealth of the country; that their natural resources are almost unlimited, and need for their development the brawny arm of the foreign immigrant; and, finally, that the commercial, mercantile, and industrial interests of the East, nay, even the value of property in the Eastern cities, are for the most part dependent on the untrammelled progress of the West and South.

I should be doing injustice to this feature of my theme did I fail to here insert as part of my remarks the following eloquent tribute paid to the immigration question by Rev. De Witt Talmage in a sermon he delivered on Sunday last in the city of Washington:

It is too late now to discuss whether we had better let them come. They are here. They are coming this moment through the Narrows. They are this moment taking the first full inhalation of the free air of America. And they will continue to come as long as this country is the best place to live in. You might as well pass a law prohibiting summer bees from alighting on a field of blossoming buckwheat; you might as well prohibit the stags of the mountain from coming down to the deerlick, as to prohibit the hunger-bitten nations of Europe from coming to this land of bread—as to prohibit the people of England, Ireland, Scotland, Italy, Norway, Sweden, and Germany, working themselves to death on small wages on the other side the sea, from coming to this land where there are the largest compensations under the sun.

Why did God spread out the prairies of the Dakotas, and roll the precious ore into Colorado? It was that all the earth might come and plow, and come and dig. Just as long as the centrifugal force of foreign despotisms throw them off, just so long will the centripetal force of American institutions draw them here. And that is what is going to make this the mightiest nation on the earth. Inter-marriage of nationalities! Not circle intermarrying circle, and nation intermarrying nation. But it is going to be Italian and Norwegian, Russian and Celt, Scotch and French, English and American.

The American of a hundred years from now is to be different from the American of to-day. German brain, Irish wit, French civility, Scotch firmness, English loyalty, Italian aesthetics packed into one man, and he an American! It is this intermarriage of nationalities that is going to make the American nation the greatest nation of the ages.

Just open the map of the continent and see how it is shaped for immeasurable prosperities. Navigable rivers, more in number and greater than of any other land, rolling down on all sides into the sea, prophesying large manufactories and easy commerce. Look at the great ranges of mountains, timbered with wealth on the top and sides, and metaled with wealth underneath. One hundred and eighty thousand square miles of coal! One hundred and eighty thousand square miles of iron! The iron to pry out the coal. The coal to forge and smelt the iron. The land so contoured that extreme weather hardly ever lasts more than three days—extreme heat or extreme cold. Climate for the most part bracing and favorable for brawn and brain. All fruits. All minerals. All harvests. Scenery displaying autumnal pageantry that no land on earth pretends to rival. No South American earthquakes. No Scotch mists. No English fogs. No Egyptian plagues. The people of the United States are happier than any people on earth. It is the testimony of every man that has traveled abroad. For the poor more sympathy! For the industrious more opportunity!

The annual increase of our population by immigration is about 300,000 people, and who can compute the increase to our national wealth thereby represented? Dr. Young, the Chief of the Bureau of Statistics in Washington in 1872, made a scientific research as to the pecuniary value of each immigrant, and arrived at the conclusion that the average capital value of each immigrant is \$800. Dr. Young, however, emphasizes at the same time that it is wrong to place so low an estimate on a human being as to regard a man only as an automatic machine, computing his productive power minus his running expenses. Besides, all these immigrants bring a little money along, a fair average being \$20 per head. At that rate the 300,000 immigrants bring annually \$6,000,000 into this country. When here, they must live in houses which must be built and furnished, thus giving employment to a large number of other people, and if the housing of them requires only \$15 a head per annum, it would mean an outlay of \$4,500,000. They must also buy clothes, and millions of dollars are spent on that. They travel and increase the earnings of our railroads, and last, but not least, they must eat, and if they spend only 20 cents per day per head for that, it means an increase of our home market for food products by nearly \$22,000,000 per annum. But the beneficial influence of the foreign-born citizen has been felt in every walk of life, and it is impossible to measure the value of the activity of his brain, of his skill in handicraft, the industrial arts and trade, of his taste as an artisan, of his inventive genius as a mechanic, or of his endurance and frugality as a farmer.

In the year 1839 there arrived a Swedish immigrant, better known as Capt. John Ericsson. What was his value to this country, Mr. President, as estimated on the 9th of March, 1863, when the country watched with bated breath the doubtful issue between the *Merrimac* and the "cheese box" of a *Monitor*, the creation of Ericsson's genius? Was it \$800 or \$800,000 or \$8,000,000? This is only one instance of the part taken by citizens of foreign birth in our long struggle for national unity, which sheds a luster around those whose valor, devotion, and patriotism upheld and strengthened the nation in her hour of greatest need. If the names were re-

viewed of those to whom the nation owes a debt of gratitude for their sacrifices of life and blood untold thanks would be found due those whose cradles stood on foreign shores and over whose graves on our own shores alien mothers wept bitter tears.

In the report of the president and board of directors of the Board of Trade of the city of Baltimore for the year 1893 I find this expression of opinion:

There should be no impediment to immigration beyond the broad principle of moral, mental, and physical disqualification; no plea of competitive labor which closes our doors to those who would contribute to our wealth and happiness, while we throw them open to the most degenerate of European population.

There is every reason for the exclusion or dismissal of the sunken and degraded. But the deportation of those who, lured by the siren voice of Freedom, have sought the shelter of our laws; the proscription of an entire population of one particular nationality, regardless of individual rights and good behavior, finds no vindication in the spirit of American Government.

To further show the feeling of the people of my State, I quote an article referring to recent legislation in the legislature of Maryland, whose session has just ended, establishing a bureau of immigration. The article is taken from a Baltimore paper of April 6, and epitomizes some of the provisions of the bill. It is in part as follows:

It is also made the duty of the State superintendent to visit Europe once in each year for the purpose of soliciting immigration to this State, and he must remain at least four months visiting different countries in the prosecution of his work. The remainder of his time he may devote to personally soliciting immigration from the other States of the Union and from Canada, in the meantime advertising according to his judgment. He is also empowered to make contracts with railroad and steamship companies for transportation for immigrants, and to make necessary arrangements for their temporary accommodation upon their arrival at Baltimore. The first term of office is to begin May 1, 1896. For the purpose of carrying out this comprehensive scheme the sum of \$5,000 per annum for two years is appropriated.

So that in my own State immigration is not only welcomed but great pains are taken and expense incurred to secure it.

The report accompanying this bill shows that questions touching the kind and amount of immigration desired have been addressed to the authorities of twenty-six States, and the replies received are brought forward to sustain the advocates of the bill.

It is evident that one at least of the questions I have referred to was framed so as to draw out a reply showing what class of immigrants was preferred, and naturally a preference was expressed by English-speaking people for immigrants who spoke their own language, and next, for that class of foreigners with which our people were best acquainted. Some of the States, it was thought, needed no more immigration, but by no State, where immigration was desired, was any objection expressed to the incoming of this class of people. Kentucky, it is true, did not want forced immigration, but Kentucky was ready to welcome the class of people affected by this bill, if they came of their own volition.

I have in my hand a number of clippings from newspapers published in numerous and widely separated parts of our country. The tone and sentiment are the same in all of them: Give us more laboring men. We need them to farm our lands and develop our resources. There is no hard limitation laid down that the laboring men shall be of this or that nationality or shall profess this or that creed. Give us the men. We will undertake to environ them with conditions of life whereby both they and their descendants will be made true and faithful Americans.

We need common laborers in this country to develop our splendid resources, to dig or fill in, to build up or tear down, and we do not care whether they are literate or illiterate. Their children feel the stimulus of American life and obtain our common-school education, and, being of healthy stock, become good and valuable citizens, having a sound mind in a sound body.

The great immigration convention at St. Paul in December, the immigration conventions in North and South Dakota, Washington, Oregon, and the county conventions throughout these States emphasize the fact that immigrants to populate these States and till the vacant lands of the Northwest and Western States are much wanted and great efforts will be made to secure them.

With reference to the congestion of immigration in the seaboard States, referred to by the distinguished Senator from Massachusetts [Mr. LODGE], it is natural, perhaps, that the three seaboard States should for a time be overcrowded and include in their population more persons of foreign origin than is desirable. But this condition arises ex necessitate rei. The fact that the three great ports of entry of foreign immigration lie within their borders accounts for this superabundance. Foreign immigration must come there first, but the immigrants do not mean to remain in these States. They come to America to find homes, to go where there is work for them, and as fast as they are able they progress westward, mingle with the people, and lose their identity as foreigners. If these overcrowded States find that their geographical position has been the means of imposing this burden upon them they should remember that the same geographical position has brought them advantages that far more than compensate.

Mr. President, I now approach what has been stated to be the greatest and most serious question of all—that is, the danger of race deterioration if the classes aimed at by this bill should be permitted to come in and mingle with us. The Senator from Massachusetts deals with this question with the seriousness and solemnity it would deserve if the danger were a real one.

It is not complimentary to one acquainted with the American people to ask him to believe that nearly 70,000,000 of such proud, independent, self-reliant, intelligent people as they are can be deteriorated by contact, however intimate, with a few thousand foreign immigrants, even if they were worse than it is claimed these are. No, sir; the Americans are no such pliable, defenseless people. As a race they are not yet formed, it is true; what they may turn out to be at the end of a long series of years yet to come can not be surely known; but it may be safely trusted that the fruit will be worthy of the seed, and the descendants who will enjoy this completed and perfected country will be worthy of the ancestors who, with unparalleled wisdom and justice, devised its plan and laid its foundations. The dread of race deterioration is a monster conjured from the realm of fantasy and without reality. It is intended to terrify the ignorant and mislead the credulous.

Mr. President, the ultimate perfection of the human race depends upon the recognition of the right of every man to be treated as a man, whether he be Jew or Gentile, literate or illiterate. Character is largely the result of environment, and depends more than is generally admitted upon the habitat of the individual. It is hardly possible to imagine a gay and joyous Puritan or a cold, unbending son of Italy; but it is not too much to say that if the home and the surroundings of the two had been changed long ago, the warmth of the southern skies might have softened the hardness of the Puritan heart, and the solemn mystery of the long night in the wintry north might have entered the soul of the Italian and given it an element of gravity and firmness.

But it is certain that the Latin race is at least one-half Germanic. From the earliest times Italy has been the spoil of the Germans. Brennus had predecessors as well as successors. It surely can not be said that the Romans, who with the Germans commingled make up the present Latin race, were an inferior race. Not the people from whom we derive our civil law; our philosophy; whom we have been taught from childhood to admire. Not the people represented in our recollections by Brutus, by Regulus, by Cæsar, by Cicero, by Virgil, by Horace, by Lucretius, by Marcus Aurelius, and by Justinian. The race that produced these people, that dominated the whole world, that advanced civilization everywhere it went, can not be a bad one. Nor was the amalgamated product bad. At first it struggled for existence in one of those strange periods of man's history when everything seemed to be going to ruin and destruction. Periods which came before in the world's history and will come again—wherefore no man can tell; periods which may be likened to sick spells which do not kill a man, but greatly injure and depress him; periods when the light of civilization flickers and all evil influences predominate. It is not fair to judge a race passing through such times with the same rigor as might be used in piping times of peace.

Italy was the center of the world, and because it was the center the evil of the Dark Ages was most virulent in her midst.

If the condition of the Italian is to be regretted, if he is poor and illiterate, the reason for his being so is not attributable to his own race inferiority. Think what the modern Italian has been and is, and think of Columbus, of Dante, of Galileo, Petrarch, Leonardo, of Volta, of Michael Angelo. Remember that for more than a thousand years no man's education has been considered complete until he has visited Italy and studied its incomparable art in painting, sculpture, and architecture. Remember that banks, life insurance, modern ideas of commercial exchange, were all invented or first generally practiced in Italy; remember that during the whole of the dark period, when literature, learning, and art seemed in danger of being lost to the world, they were preserved and cherished by the Italians. Remember these things, and do not say that the Italians are an inferior race or unfit to mix with ours.

So likewise, in whatever direction we turn our eyes, we find the once despised and for a long time misunderstood Jew, courageously, persistently, and successfully striving to better his condition. "He is no idler or dreamer, but a worker in every field open to him." Almost at the same time Disraeli and Gambetta, men of Jewish stock, ruled—the one England and the other France. Montefiore and Hirsch are in the front rank of philanthropists; Rothschild and Bleichroder in finance. Maimonides in his time and Spinoza later were preeminent in the intellectual world, and Darmstetter, Adler, and Bernstein are now of the highest rank as scholars. Heine's place in poetry remains to be filled, and all musicians are familiar with the names of Mendelssohn and Halevy and Rubinstein. He excels in all the arts that engage the attention of mankind, except in the cruel one of shedding blood, and the civilized world is fast coming to accept the Jew's opinion of war.

I very much question, Mr. President, whether the restriction of immigration is all that is aimed at in this bill. There is more behind it, as it occurs to me. It is contemplated in this bill not simply a seeking to benefit the institutions of this country in the

restriction of immigration. It is not prompted by a genuine desire to ameliorate the condition of the workingman, or to prevent the greatest evil of all that is threatened in what the Senator from Massachusetts [Mr. LODGE] calls race deterioration. The promoters and advocates of this bill are not the honest farmers and workmen of this country. No solicitude for their interest has suggested it. Behind the Anti-Immigration League of Boston there is an influence, subtle and potent to a degree in its character, which finds its opportunity in this bill to give expression to its venomous hatred to the Catholic Church of the United States.

This organization to which I refer, Mr. President, is known as the "American Protective Association"—a secret, oath-bound, red-lettered, left-handed, dark-lanterned organization—organized recently by a resident of Clinton, Iowa, who was the founder of the order and the author of its ritual. "America for Americans," and undying hatred to foreigners, are the first and governing principles, so called, of the order!

The very first in the enumerated order of their public declarations is "Restriction of immigration," added to which, further on in their so-called platform, is the declaration that—

All private schools, convents, nunneries, monasteries, seminaries, hospitals, asylums, and educational or charitable institutions to be open to public inspection and under Government control.

This dangerous organization, Mr. President, which is generally believed to be instigating and urging the passage of this bill, has for its real purpose hostility to the Catholic Church.

It is the child of envy, hatred, and malice—the offspring of a pestilential brood of mischief-makers, who lurk about the doors of legislative halls, and hang on the flanks of political parties, seeking to lure lawmakers from the wide paths and open day of rectitude into the devious ways and darkness of evil doing—breathing threatenings and vengeance where they can not cajole and deceive.

The platform of this organization or its public declaration of its principles is one thing—it is what it pretends to do; what it is sworn to do is quite another thing. Their voice is Jacob's voice, but their hands are the hands of Esau. Let us see, Mr. President, what there is in their claim of patriotism in this so-called "patriotic order."

Every applicant to membership to the councils of this order—the notices of the meetings of which are always sent out in red letters—are required to subscribe to what is called the "scroll." This scroll sets out another declaration of principles from that described in their public declaration. It is as follows:

I hereby declare I am a firm believer in a Deity; nor have I any sympathy with Roman Catholicism; that in my opinion no Roman Catholic should be allowed any part or parcel in the control of or to occupy any position in our public schools. On the contrary, I realize that the institutions of our country are in danger from the machinations of the Church of Rome. I believe that only by the removal of Roman Catholics from office of public trust can justice, right, and true American sentiment be fully subserved, and that by the concerted and continued efforts of lovers of American liberty only can such results be consummated and continued. I pledge myself to defend the Government of the United States and of the State in which I reside against invasion, disorder, treason, or rebellion, either by ecclesiastical or foreign forces, and against the usurpation of temporal or spiritual power whereby men become slaves to party and the Roman Catholic Church.

I am willing to bind myself by a vow sacred and unavoidable. I am a Protestant, and have been for _____ years.

I belong to the _____ Church and the following societies:

Age _____
Residence _____
Occupation _____
Recommended by _____
Recommended by _____

(Signature.)

Omitting in this connection, Mr. President, the "circumstantia, the paraphernalia" of the council chamber, and the various other oaths the candidates are required to subscribe to in the various stages of their progress to their full membership in this order, I come to that oath subscribed to before what is known as the "department of church" or "ecclesiastical department." Here the candidate is required to take the following oath:

I do most solemnly promise and swear that I will always, to the utmost of my ability, labor, plead, and wage a continuous warfare against ignorance and fanaticism; but I will use my utmost power to strike the shackles and chains of blind obedience to the Roman Catholic Church from hampered and bounden consciences of a priest-ridden and church-oppressed people; I will not allow anyone a member of the Roman Catholic Church to ever become a member of this order, I knowing him to be such; and I will use my influence to promote the interest of all Protestants everywhere in the world where I may be; that I will not employ a Roman Catholic in any capacity if I can procure the services of a Protestant.

I further promise and swear that I will not aid in building or obtaining by my resources any Roman Catholic church or institution of their sect or creed whatsoever, but will do all in my power to retard and break down the power of the Pope in this country or any other; that I will not enter into any controversy with a Roman Catholic upon the subject of this order, nor will I enter into an agreement with a Roman Catholic to strike or create a disturbance whereby the Roman Catholic employees may undermine and substitute the Protestants thereof; that in all grievances I will seek only Protestants and counsel with them, to the exclusion of all Roman Catholics, and will not make known to them anything of any nature matured at such conferences.

I furthermore promise and swear that I will not countenance the nomination in any caucus or convention of a Roman Catholic for any office in the gift of

the American people, and that I will not vote nor counsel my friends to vote for a Roman Catholic, but will vote for a Protestant, so far as it may lie in my power; should there be two Roman Catholics on opposite tickets, I will erase the name of the ticket I vote; that I will endeavor at all times to place the political positions of this Government in the hands of Protestants to the entire exclusion of the Roman Catholic Church or the members thereof, to the mandate of the Pope.

To all of which I do most solemnly promise and swear. So help me God. Amen, Amen, Amen.

This is the organization, Mr. President, that proposes to play no small part in American politics!

This is the "association" that proposes to "protect" our American institutions!

This is the "patriotic" order—God save the mark—the very first element of which is to deny the first tenet of American liberty—freedom to worship God—and to "punish religious beliefs which it does not share by depriving those who hold them, not only of their political rights, but, if possible, of the means of livelihood as well!"

In a most excellent article in the May number of the Century Magazine, entitled "The mischief of the A. P. A.," the writer says:

There should be no need of warning intelligent citizens against the dangers of such organizations.

They are the deadly enemies of democratic institutions. The mischief of this movement has lately begun to reveal itself at the national capital. The defeat of the appropriation for Indian schools, because most of these schools are under the care of Roman Catholics, is due to these societies, and it is to their hostility that we owe the shameful proposal to exclude from the national gallery of statuary the effigy of the great pioneer and discoverer, Father Marquette. With respect to the schools, they avail themselves of a sentiment which widely prevails, and which is reasonable enough, but which in this case is greatly overstrained, with the result of depriving the Indian pupils of educational privileges. Not only are Roman Catholics to be refused permission to take part in the defense of their country, but those who decline to ostracize them must themselves be ostracized.

The Père Marquette incident is such an illustration of bigotry as ought to bring a blush to the cheek of every American. That the great French priest was a brave and noble man can be disputed by nobody; that his work among the Indians was one of beautiful devotion is not a matter of controversy; that to him was largely due the discovery of the Upper Mississippi River and the opening of the great Northwest to civilization is the testimony of history. Yet simply because he was a Roman Catholic priest the "patriotic" orders would deny the State which is most closely associated with his beneficent activity the right of celebrating his services to the nation.

The mischief of this association can not find its stronger rebuke than in the eloquent language of the Senator from Wisconsin but a few days ago in this Chamber, in speaking to the resolution of Congress thanking the State of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi.

But, Mr. President, the State of Wisconsin, now a Commonwealth of 2,000,000 freemen, rejoicing in prosperity and happiness on the soil he trod so long ago, in raising this stone in the nation's Hall of Statuary does not merely celebrate a name "illustrious for historic renown," a character whose excellence is worthy of perpetual remembrance. It means still more, that it shall stand there as a testimony and monument to a principle of our social order of the utmost value to mankind—the principle of religious liberty! Sir, this is no rule, as sometimes miscalled, of toleration. I condemn the term. I deny all it implies. It is the right, absolute, uncontrollable, of utter, perfect liberty. It is an inalienable right. The coward, the willing slave, can not divest himself of it. It goes with him in his bondage, however recreant he be to nature.

Sir, he is wrongfully despoiled, his right invaded, a grievous injury done, when to any man is denied any part or share of his social rights or privileges by reason of his religious faith. If property, if place, if honor be his rightful due among his fellows, he who strikes aught away of either because of religious opinion is an enemy to law, to humanity, and all its hopes. Hostis humani generis.

And therefore it is, sir, that this statue of James Marquette will stand as a monument and emblem of religious liberty. The noble right to honor and remembrance among men, which the legislature of Wisconsin and the Congress of the United States have declared to be his, he is not denied. It is sacredly preserved.

The Democratic party of Oregon, in its convention held at Portland a few days ago, set forth in no uncertain terms the views of the Oregon Democrats in reference to this organization, which are as follows:

That religious differences should find no place in American politics, and the Democratic party is opposed to a spirit of intolerant bigotry fostered for political purposes by those who seek to breed discord and animosity among the citizens of this Republic.

Secret political parties are a curse to party, state, and nation. We heartily welcome the assistance of all good citizens who will cooperate in the suppression of any political movement organized for religious proscription.

Mr. President, secret oath-bound political parties having the enactment of laws and the guidance of public policy for their objects are inimical to the welfare of this Republic and a dangerous menace to its liberties. They should not exist within our land. There is no reason in this country, where there is nothing to prevent

the fullest and freest public discussion of any subject, for the existence of secret societies, whose places of meeting are not known, whose proceedings are carefully concealed, whose members are oath bound. There is no kind of honest political work which needs to be thus hemmed in and concealed. Such political associations have been universally condemned wherever in the world they have existed, and most justly. They have the approval of no thoughtful men who have given the subject consideration.

Washington, in his Farewell Address, thus speaks of parties generally, and his remarks apply with still more force to secret societies:

All combinations and associations, under whatever plausible character, with the real design to direct and control the regular deliberation and action of the constituted authorities, are destructive of the fundamental principles of the nation and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-conceived and incongruous projects of faction rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people.

The whole people are equally interested in the welfare of this country, and none should be refused an equal share with the rest in every deliberation and in all legislation affecting it. All political clubs, societies, and associations start on their career with professions skillfully drawn so as to make it appear that their purposes are patriotic and worthy of support; but all of them, as soon as they have obtained power, are used by unprincipled men to do wrong. This is the history of the Carbonari, the Nihilists, the Jacobins, the Anarchists, and the Commune, and this will be the history of the A. P. A. unless its evil tendencies are perceived in time by the American people and its dangerous career stopped by their good sense and judgment. I have faith, Mr. President, without bounds or limits, in the American people, in their moderation, wisdom, justice, and courage. I do not believe that they will submit to the dictation of any such organization as the A. P. A., but that they will promptly and effectively stamp with the seal of their condemnation this impudent and dangerous interference with the interests of this Republic.

Moreover, Mr. President, there is no reason for the assertion that the country is in danger from immigration because of the increase of Roman Catholics to our population.

There is no more danger from such immigration than there is that a man should die of thirst on the shores of Lake Superior!

The following tables show plainly the numerical difference between Catholic and Protestant immigration:

Foreign-born population of the United States, 1890.

Country.	Roman Catholic.	Protestant.	Not classified.
Canada and Newfoundland	302,496	678,442	
Mexico	77,853		
Central America	1,192		
South America	5,006		
Cuba and West Indies	23,356		
Austria	123,271		
France	113,174		
Bohemia	118,106		
Italy	182,580		
Spain	6,185		
Portugal	15,996		
Ireland	1,871,509		
England		908,141	
Scotland		242,231	
Wales		100,079	
Great Britain (not specified)		951	
Switzerland		104,069	
Germany		2,784,894	
Holland		81,828	
Belgium		22,639	
Luxemburg		2,882	
Norway		322,095	
Sweden		478,041	
Denmark		132,543	
Europe (not specified)			12,579
Australia		5,994	
Sandwich Islands		1,304	
Russia			182,644
Hungary			62,435
Poland			147,440
Greece			1,887
China			106,688
Japan			2,202
India			2,143
Asia (not specified)			2,290
Africa			2,207
Atlantic islands			9,739
Pacific islands			2,065
Turkey			1,830
Born at sea			5,533
Other countries			479
Total	2,840,624	5,866,603	542,230

Summary.

	Totals.	Per cent.
Roman Catholic countries	2,840,624	30.71
Protestant countries	5,866,693	63.43
Not classified	542,230	5.86
Total	9,249,547	100

The immigration statistics, Mr. President, of the United States, since 1890 opened, have amazed all Europe in the spread of the English tongue consequent upon the movement of races.

"Of the 15,000,000 that Europe has sent us since 1820 to develop the resources of this Republic, Great Britain has sent us 6,000,000, Germany 4,500,000, and Ireland 3,500,000. Since that time," says Mr. DINGLEY, "English has advanced from 21,000,000 to 125,000,000 speakers—from 13 to 31 per cent! English is now spoken by twice as many people as any of the other tongues of Europe. English is now the speech of the world of travel and of trade."

I feel that I would do injustice to one of the ablest consular reports ever made to the State Department did I not here refer to the closing remarks of Mr. DINGLEY on this most important subject. He says:

Emigration which begins to travel and passes from transient into permanent characteristics gives rise to commerce, to geography, and to the expansion of all forms of human life.

The Queen of Sheba left locusts and wild honey on becoming an emigrant, just as the Italian gives up coarse bread and curd on becoming an American! It is the blessing of all races and all nations that man is an emigrating animal. The provincial intellect which expands itself in hating foreigners is in the thick skull of prejudice! The nation which wants the foreigner least to-day is least wanted of steam, invention, and social and political progress. The rise of prejudice is the fall of industry!

On this side of the sea and at the close of the nineteenth century a craze against foreign immigration would be irrational, suicidal, anti-American, and antirepublican!

There is no such condition affecting us, Mr. President, as "unrestricted" immigration.

There lies no such peril at the portals of our land; no such danger has begun to threaten us.

The gates which have stood open wide have not been unguarded.

Mr. President, if symptoms of decay in the character of our people should appear, it will not be from "race deterioration due to the influence of immigration." If our people should deteriorate, their morals become corrupt, and their character fall from its present high standard, the influences bringing about so dire a calamity will be found in the idleness and luxury of the very rich, the aping of foreign manners and customs, the evil example of titled adventurers, greed for public notoriety, and to skepticism and the neglect of religious duties.

These and the enervating effect of governmental paternalism may in time threaten the ruin of our country. I do not believe that such can be. But for such ruin, if it should ever come—if in the places where our temples stand the "lean wolf shall unmolested make her lair"—these patient, peaceable, hard-working, frugal immigrants will not be responsible therefor.

When "civic honor and public spirit died," then only did the thronging Goths and Vandals trample Rome; "then only did the barbarians come, as the carrion kite drops from the India sky on the dead beast of the jungle."

Mr. President, over against The Unguarded Gates of the poet Aldrich, so dramatically and forcefully presented by the Senator from Massachusetts, I can not forbear to contrast the glowing words of Emma Lazarus, a daughter of the "Scattered Nation," in her poem addressed to the "New Colossus"—Bartholdi's statue of Liberty Enlightening the World:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman, with a torch whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon hand
Flows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp," cries she,
With silent lips: "give me your tired, your poor,
Your huddled masses, yearning to breathe free."

Send these, the homeless, tempest-tost, to me;
I lift my lamp beside the golden door."

Mr. NELSON. Mr. President, as a member of the Committee on Immigration, I joined the committee in reporting favorably the bill that is now under consideration. I believe it is just and proper as a matter of self-protection that there should be some restriction upon immigration. Those immigrants who are paupers, who are unsound in body or unsound in mind, who are morally and physically unfit to enter this country should be excluded.

The bill only aims to cover a part of the ground. It simply seeks to enforce what is known as the literary test. It simply provides that immigrants who are over 14 years of age shall be

required to read and write some language, either that of their own country, the land of their nativity, or of some other country. This is a fair and reasonable test as far as it goes.

It may be conceded that perhaps in some cases it will work a hardship; that sometimes there are good and healthy immigrants, fit to enter this country and become good members of society, who could not pass this test. But it is very difficult in a matter of general legislation to fit all cases. We have to legislate upon general lines and under general principles, and so we can not at all times reach and meet individual cases. Whatever few cases of hardship there may be are more than made up by the great advantages that will accrue to the country from a restriction such as is proposed. I want to disabuse the Senate of the idea that seems to be implied by the remarks of the Senator from Maryland [Mr. GIBSON] that the bill is inspired by anything of an A. P. A. nature, or any opposition to the Catholic Church. Nothing of that kind ever entered my mind, and I do not think anything of the kind entered the minds of the committee.

Mr. President, I do not care about entering into any particular discussion of the merits of the bill more than to state my views in regard to it. I propose rather to make a brief recapitulation or résumé of the immigration to this country during the past years of the Republic, and the effect it has had upon the institutions of this country.

Mr. President, the darker and more unpromising features of the immigration problem have been presented on this floor in eloquent and vivid language. I shall not undertake to question or contradict anything that has been said in favor of restrictive legislation. I shall content myself, and feel that I have done my duty, in presenting to the Senate the brighter and more promising side of the problem, and in calling your attention to the substantial and important benefits that have accrued to our country from the continued flow of immigrants to our shores. By having both sides presented, you will be better able to divest yourselves of all prejudice, better able to judge impartially, and, above all, better able to legislate wisely on a matter of so much importance.

The question should be considered in its economic, its political, its social, and its ethnic features. Our own experience should be scanned and studied, for it will furnish us much information and many valuable lessons. We have been, to a large extent, a nation of immigrants, and a large share of our history is a history of immigration. No nation of modern times has had such a varied and extended experience in this field.

The chief factors in our extraordinary growth and development have been our free system of government, our abundant supply of cheap and fertile lands, and the immense immigration to our shores. The first two have brought about, absorbed, and utilized the third. And the three combined have been a trio, in force and magnitude, such as no other nation ever possessed. Ample space, ample freedom, and ample numbers have given us a force and momentum of growth unknown and unheard of in any other nation, and the evidences of it are palpable on all sides.

We have no statistics of immigration prior to 1820.

It is estimated that from 1783 till 1820 about 250,000 immigrants settled in the country. Our entire population at the latter period was, according to the census then taken, 9,633,822—scarcely 200,000 more than our foreign-born population in 1890. Since that time, up to the beginning of the present year, 18,022,785 immigrants have come to this country. It is claimed that these figures are too high because no account has been taken of immigrants who, having gone back on a visit to their native land, have, on their return, landed a second time at our ports. But whatever discrepancy there may be on this score is more than counterbalanced by the fact that no account has been kept of the immigration through or from Canada since 1885. I append to my remarks a table of the yearly immigration since 1820. It shows a continued and incessant though fluctuating flow.

In 1890, out of a total population of 62,622,250, 9,249,547 were foreign born, 8,085,019 were natives whose parents were both foreign born, and 3,418,656 were natives with one foreign-born parent. It thus appears that 20,753,223, or about a third of our population, was at this time foreign born or directly of foreign parentage. If the same ratio of increase be applied to our entire volume of immigration since 1820—in all 18,022,785—we have evidently had as a result of the same 15,753,737 native born with both parents of foreign birth, and 6,661,071 native born with one parent of foreign birth, or a total of 40,437,593 of foreign immigrants and their children of the first generation.

I shall not take up the time of the Senate to read it, but shall append to my remarks a table which states in detail the countries from whence all our immigrants have come. Only a small proportion of them have belonged to the learned professions or been skilled laborers. The great body have been small farmers, small tradesmen, and agricultural and other unskilled laborers. Nearly all of them have been from the ranks of the common people, the toiling masses of humanity. People of rank and of wealth have little occasion or desire to emigrate, nor, indeed have they been desirable in a country progressing under conditions such as ours.

We have needed men to dig our canals, to build our railroads, to open and exploit our mines, to clear our vast forests, to open, develop, and reduce to a state of cultivation our vast expanse of untilled land; in short, to perform the toil and drudgery and to bear the trials and misfortunes incident to the development of a new and unsettled country. This want has in a large measure been supplied by our foreign-born immigrants. In this field they have not been hostile usurpers, but have merely occupied ground that has most willingly been accorded to them by the native born. And this toiling, struggling mass of humanity, charged to a large extent with the drudgery of our progress and civilization, viewed from an economic and financial standpoint has added millions to the wealth and capital of our country. An immigrant increases our wealth in a twofold way—by the money he brings into the country and by his value as a laborer and producer of wealth.

The average amount of money brought by an immigrant has been variously estimated at from \$10 to \$100. There are no exact or complete statistics on the subject. I think that on the whole, during all the past, \$50 would be a low, safe, and moderate estimate for each immigrant. But his chief value has been his productive labor capacity. Different estimates are put upon this. Friedrich Kapp, a former commissioner of immigration in the State of New York, estimated the economic or labor value of an immigrant at from \$1,000 to \$1,300. Dr. William Farr, a former head of the statistical department of the registrar-general's office, in England, estimates it at \$875. Dr. Becker, the head of the German statistical office, estimates it at from \$200 to \$225, and Edward Young, chief of the Bureau of Statistics, in 1871, in his special report on immigration made in that year, makes this estimate and statement:

From the foregoing considerations, therefore, the sum of \$800 seems to be the full average capital value of each immigrant. At this rate, those who landed upon our shores during the year just closed added upward of \$235,000,000 to our national wealth, while during the last half century the increment from this source exceeds \$6,243,880,800. It is impossible to make an intelligent estimate of the value to the country of those foreign-born citizens who brought their educated minds, their cultivated tastes, their skill in the arts, and their inventive genius. In almost every walk of life their influence has been felt. Alike in the fearful ordeal of war and in the pursuits of peace, in our legislative halls, and in the various learned professions, the adopted sons of America have attained eminence. Among the many who rendered timely aid to our country during the late war, it may seem invidious to mention a single name, except for the purpose of illustration. In the year 1839 there arrived at the port of New York, in the steamship *British Queen*, which sailed from the port of London, a Swedish immigrant, better known as Capt. John Ericsson. What was his value to the country, as estimated on the 9th day of March, 1862? Was it eight hundred, eight hundred thousand, or eight million of dollars?

The average of these estimates is about \$720. But conceding that even this is too high, surely \$500 would be a very low estimate of the money brought and the economic value of each immigrant over 14 and under 40 years of age. About 70 per cent are within this age limit, and 70 per cent of our immigration amounts to 12,615,949. At \$500 per head the total money or economic value of our immigration equals \$6,307,974,500, which is \$3,000,000,000 in excess of the value of the entire product of our gold and silver mines from April, 1792, till the end of the year 1894, as estimated by the Director of the Mint. And in this connection let it be noted that these immigrants have been among the chief labor factors in the production of this vast volume of mineral wealth.

The rapid settlement and development of our country and its marvelous increase in wealth and in population is in a large measure due to our extraordinary immigration. The immigrants have settled mainly in the Northern States. In 1860, the year before the great rebellion, our foreign-born population amounted to 4,138,697, and out of this number 3,845,443 were settled in the States that were not in rebellion. Allowing the same proportion of natives of foreign parentage to the foreign born as is given by the census of 1890, there must have been in 1860, in the Northern States, 3,361,297 natives with both parents of foreign birth, and 1,417,568 natives with one parent of foreign birth, or a total of 8,624,308 of foreign birth and of direct foreign parentage. And this total was 41 per cent of the entire population of the loyal States.

The entire immigration to this country from 1793 till July 1, 1861, was 5,383,508, and nearly all of it had settled in the loyal States. These immigrants and their children had, during this period, by their labor and industry produced and created a large portion of the wealth in these States. While no statistics can be found on this point, yet I have no doubt that on the eve of the great rebellion the proportion of the substantial wealth of the North produced by the immigrants and their descendants was equal to the proportion of their number then living. And it was this volume of wealth and numbers resulting from our foreign immigration that gave the North its great preponderance and made it more than a match for the South in men and in resources, and enabled it to preserve and perpetuate the integrity of the Union. Had there been no more immigration to the North than there was to the South since 1793 the two sections would have been nearer on a parity with each other and the struggle would have

been more prolonged and more doubtful. And had the wealth and numbers of the immigrants and their children been a part of the South instead of the North the days of a united country might have been numbered.

It was not so much the immigrants who fought in our ranks on land and sea—they bore their share and did their duty as became them—nor so much the gift of the immigrant John Ericsson—his little *Monitor*—that gave us the ascendancy as the force, the momentum, the irresistible impact of half a century of immigration. It was this gathered force, gathered in the bosom, and infused with the spirit, the inspiration, and the love of a great nation that hung like a threatening cloud—like a pall—over the scheme for the disruption of the Union. Not only did the immigrants and their children form an important factor in the suppression of the great rebellion, but even in the days of the Revolution, when the great Republic was first brought into being and was in its infancy, they were a most important element of our success. A large portion of the Continental Army was of foreign birth, indeed the very backbone of the men in the ranks were of that class. The historian Lecky says:

No troops had shown themselves more courageous, more patient, and more devoted than the Pennsylvania line. Its privates and noncommissioned officers consisted chiefly of immigrants from the north of Ireland.

From an ethnologic and social standpoint, immigration has, beyond a fair question, infused much vital force of a better kind into the being of the nation. The immigrant has not been a mere inert labor machine, but he has also been a physical, a moral, and a mental factor, that has been responsive, and has brought accessions to the intellectual and moral make-up and instincts of the nation. We are an English-speaking people, of English texture and origin, but of a more cosmopolitan character, of more pronounced elements of strength and energy, and with a greater concentration of force and vigor than was possessed by the English of the England that gave us birth, or even by the English of today. In the eyes of the universal observant world, the Yankee is never confounded with the Englishman, nor is he ever placed in the rear rank. It took England more than fifteen hundred years to produce the Englishmen of the colonists. She began with the Celts, and these, according to Professor Huxley, were only an earlier edition, a more primitive product of the great Teutonic or Germanic race. These are his views on this important question:

All accounts which have been handed down to us by the Romans and the Greeks of the physical character of the Celtic-speaking people known to them, and whom they called Gauls or Kelts, agree in ascribing to these terrible enemies of theirs a tall stature, fair hair, of a reddish or yellow tinge, blue eyes, and fair skins. Such were the Gauls whom Cæsar conquered; such were the Gauls who settled in Asia Minor, to whom the epistle to the Galatians was written; such, again, were the Britons with whom Cæsar fought in northeastern Britain. But all the ancient authors give exactly the same account of the physical character of the ancient Germans. There is not a doubt that they, also, were tall, blue-eyed, fair-haired, and fair-skinned; so, without doubt, were all the other Teutonic-speaking people, whether Angles, Saxons, Danes, or Norsemen. So close was the physical resemblance of the Celts and the Teutons, who in the early days of the Roman Empire inhabited the right and the left banks of the Rhine, that it was and is a matter of discussion whether particular rights belonged to the one division or the other. And we hear of Celtic tribes who tried to pass themselves off as of German origin, an imposture which could not have been attempted had any clear physical difference existed between the two stocks.—*Fall Mall Gazette*, January 10, 1870.

These primitive Celts of Great Britain were, by language—which to some extent represented distinct traits of character—divided into two dialects at the time of the Roman invasion, the Cymric, spoken in England, and the Gaelic, spoken in Ireland. Neither of these dialects were of kin or affinity to any English or Teutonic dialects. While the greater portion of the Celts of England and Ireland were of Germanic origin, there was a considerable element of dark-skinned, black-eyed, dark-haired people found in southwestern England and in certain parts of Ireland, especially the south and west. These are the so-called Milesians, and these are the same as the primitive people of southern France and Spain. In France they were called Basques and in Spain Iberians.

While the language of these people has been lost, their blood has maintained itself among the English race, and is the basis of the darker element among our people. Our earliest forefathers, then, were a mixture of Teutonic and Iberian Celts, in which the former element preponderated. Then came an early infusion of Scandinavian or Germanic origin, called Picts, located in the north of Scotland. This was succeeded by the great Roman invasion under Julius Cæsar. The Romans never occupied Ireland, but were in possession of England for upward of 400 years, and when they departed they had neither impressed their blood nor their language upon the natives of the country. The people were still Celts, speaking two dialects, and of a twofold origin.

Then for over five hundred years there was an outpouring, an invasion, and an infusion from northwestern Germany and Scandinavia of Angles, Saxons, Jutes, Danes, and Norsemen, in the order named, and all of them branches of the great Teutonic family. These invaders infused much of their blood and all of their language into the native Celts. It was during these years of invasion and conquest that the language of the invaders—the

Anglo-Saxon—the mother of our present English, became the language of the country, and it was also during these years that that amalgamation of races took place which gave us the prototype of the Englishman of Elizabeth and Oliver Cromwell. The new language and the new race, thus formed, has ever since remained in the ascendant, and did not succumb to the Norman invasion. The Normans—a people of mixed Gaelic and Norse blood—conquered, and for centuries bore rule, yet they never impressed their blood nor their language in any material degree upon the native races.

But the Normans succeeded in fastening their system of government—feudalism, with all its complications and drawbacks—upon the English people, the traces of which, well marked and defined, remain to this day. Norman architecture, Norman land tenures, Norman jurisprudence, and a Norman gentry and nobility are the legacy of the Norse-Celts. But they also gave the English this legacy: a spirit of resistance to tyranny, a spirit of aggressiveness and belligerency, and a spirit of conquest and imperialism.

We must never forget that it was the Norman barons that forced Magna Charta from King John, and that it was their descendants that inspired and consummated the English revolution of 1688, which, for the first time, settled and made clear the bulwarks of English liberty and the underlying principles of the English constitution. They mapped out and fortified the true ground of constitutional liberty the world over.

Native Celts, liberally infused and amalgamated with Germanic races and duly tempered and hardened by the Normans, constituted the ethnic make-up of the English people who colonized these shores. They were the concentration and quintessence of the Saxon and Celt, the Norman and the Norseman. A blending of all these made the mightiest nation on the face of the earth; and our vast immigration has only measurably enlarged, broadened, and deepened the process. The earlier grafting was upon a Celtic stock; this later grafting has been upon an English stock of the seventeenth century. In both cases the grafts are from the same source, but the Germanic races of the nineteenth century are as much superior in culture and intelligence, in capacity for self-government and refinement to those who succeeded the Romans in Britain as the English of the seventeenth century were superior to the native Celts who confronted Julius Cæsar. There has been in this century a finer graft upon a better stock, and surely the result is a nobler tree.

I have compiled and shall append to the printed copy of my remarks a table, classifying our immigration by races. From this table it appears that the blood of nearly 15,000,000 of Germanic people has been infused into the heart and loins of the American people. And these immigrants have not come to these shores, as their ancestors did to the Celts of Britain, as a scourge, as freebooters, and as pirates, but they have come on a mission of peace, to participate with us and to aid us in evolving from the great undeveloped resources of this country a mighty nation, mighty in wealth and numbers, and above all mighty and noble in the make-up and texture of its people. The new blood is transfused into the old. The sluggishness of ease and plenty is quickened by the unrest of limited opportunities and honest poverty.

The immigrant Nikola Tesla transmits and guides the unutilized force of the American Niagara. In the great realm of human development the one is the lesser though necessary complement of the other. It can not in fairness be said that this great Germanic immigration has been of other than great advantage to our country. The immigrants, however seared and benumbed they may have become from the environment of the land of their birth, have no sooner landed on American soil than they have, intuitively and as if by inspiration, responded in full measure to the intellectual, moral, and political instincts and requirements of the nation, and have become thoroughly assimilated to all that is good and progressive among our people, and the children of these immigrants have become the most intense and emphatic of all Americans within our borders.

But while all this is admitted as to the Germanic races, it is said that people of other and inferior races, wholly unfit for American institutions and wholly unfit for self-government, flock to our shores. And Russians, Poles, Hungarians, and Italians are cited as samples of these races. He who belittles and affects to despise these races knows little of their history and ethnic make-up.

The Italians were a great people in art, literature, and statecraft while our English ancestors were still in a state of barbarism, and though they afterwards, through various causes, sank to a low level, they have in our own day and generation, through many adverse circumstances, restored their country to a higher and better level than it ever occupied before and placed it in the rank of the great nations of the world. The poorer classes are still suffering from some of the evils of the past and it may take a little time for them to become fully emancipated, but the innate vigor of the race will soon dispel all the foggy mists of the past.

The blood that flowed in the veins of Virgil and Dante, Raphael and Michael Angelo, Columbus and Napoleon, Cavour, Garibaldi, Victor Emmanuel, and Crispi surely will not contaminate our English of many strains. And the Russians—Tartar, Slav, and German as they are—who dare accuse them of being an effeminate or stagnant people? Scarcely more than two centuries ago they occupied the outer verge of Europe and the frozen zone along the polar belt of Asia, remote from the navigable sea, and with ports only at Archangel and on the Caspian Sea. Europe looked upon them as a race of barbarous Tartars. To-day their country covers a full third of Europe and almost half of Asia and extends from the Gulf of Finland on the west to the Gulf of Vladivostok on the east, and from the Polar Ocean on the north to Persia, British India, and China on the south. A people who, a half a century ago, on a narrow peninsula in the Black Sea, were almost a match for the united power of England and France, and who to-day are the arbiters of the peace of Europe, and who have, in the hour of our greatest need, given us their effective moral support—will the blood of such a people render us effeminate or denude us of virile vigor and manhood?

And Poland—poor, unfortunate, and dismembered Poland, victim of a worthless nobility and an unkind fate, hemmed in and garroted by the great powers, with many of your best sons and daughters in exile. It can be said of these people, as has been said of the Irish, they have been greater in many other lands than their own. As a nation they have been a failure, but as a people they are full of energy, ability, and fire.

Then we come to the Hungarians—those sons of the ancient Huns, who once overran and held the civilized parts of Europe in their grasp and afterwards stood as a barrier between Europe and the unspeakable Turk. They were a sturdy, headlong, and dominant race in those pregnant days of the past, and such they are still. To-day they are the backbone and furnish the statesmen and the statesmanship for the Austrian Empire. They have infused vigor, energy, and renewed life into the old decrepit House of Hapsburg. They once pined for a separate existence as a nation, but to-day they bear rule in realms greater than they hoped for in the days of Kossuth. The people of this race will never debase our Anglo-Saxon blood, nor render it torpid and stagnant.

And who can say, with his attention fixed upon the Balkan Peninsula, that the Slavs are unfit for free government? Less than a quarter of a century ago the Bulgarians were vassals and serfs of the Turks, and had been such for centuries past. As the outcome of a great war and through the treaty of Berlin they regained their freedom and were erected into an independent state, under the form of a limited monarchy, with a parliament of their own choice. In spite of the machinations of Russia and in spite of the misfortune of imbecile princelings placed at their head, from the days of their freedom till the present moment the Bulgarian people have made rapid and solid strides, politically and economically, both as a people and as a nation, and they have succeeded in placing their Government on such an enduring basis that even the murder of their ablest statesman caused no political upheaval and left no opening for the entrance of the wily Muscovite.

They stand to-day, a young nation, promising, ambitious, fiery, and full of hope, on the outer battlements of Christian Europe, as palpable evidence of the fact that sound, vigorous blood will survive and overcome the servitude of centuries. Who fears contamination from such a people as these? A strain of the irrefragable, hot, riotous blood of these nations of southern Europe infused into our ethnic make-up will certainly do no harm, and may be productive of much good. It may infuse into our stolid and phlegmatic Germanic blood an element of vim, force, and fire now absent, and may give it an effervescence of tone and temper that may dispel much of the prosaic in the drudgery of life. What Professor Huxley has said of the darker people of Spain, Portugal, and southern France is apt and germane in this connection, and I can not forbear to quote it. These are his words:

When the genealogy of the English people is thoroughly worked out, we find that our forefathers are reduced to two stocks—the one, a lightly made, short, dark-complexioned people, the Iberians, who, as far as they can be traced back, talked Euskaldunac, a language which has not the least resemblance to any other spoken in Europe; the other, a tall, big-limbed, fair people, who, as far as we can trace them, have always talked some form or other of the languages of the great Aryan family to which German, Latin, Greek, Persian, and Sanskrit belong, and of which the Celtic tongues are outlying members. In everything which constitutes a race these Aryan or Celtic and Teutonic nations are of one race. In every particular by which races of mankind differ the Iberians and the Aryans are of different races.

Thus English political ethnology offers two problems:

1. Is there any evidence to show that the Iberians and the Aryans differ in their capacity for civilization or in their intellectual and moral powers? All I can say is, that I know of none. Whether in Greece or Rome, in modern Italy, France, Germany, or England, the dark stock and the light have run neck and neck together.

2. Is there any evidence to show that there is what may be called a political difference between the Celtic Aryan and the Germanic Aryan? I must say once more that I can find none. And one of the keenest observers who ever lived, and who had the opportunity of comparing the Celt and the German side by side—I mean Julius Cæsar—tells us especially that the Gauls in former days were better men than the Germans; that they had been corrupted by contact with civilization, and that even in his day the races who held the

Black Forest in possession were the equals of the Germans in frugality, hardiness, and every virtue of man or warrior. Put side by side with this the picture of the Saxon when, England fairly won, he sank into the slothful enjoyment of his possessions; and after the Conquest fell so low that the invective of Giralduus Cambrensis against the Saxons of his day as idle, worthless fellows, cowards and liars, fit only to be drudges and menials, reads just like an extract from an English or American leading article against the low Irish. Do not let what I have said mislead you into the notion that I disbelieve in the importance of race. I am a firm believer in blood, as every naturalist must be, and I entertain no doubt that our Iberic forefathers have contributed a something to the making of the modern Englishman totally distinct from the elements which he has inherited from his Aryan forefathers. But which is the Aryan element and which the Iberian I believe no man can tell, and he who affirms that any quality needful for this, that, or the other form of political organization is present in the one and absent in the other makes a statement which I believe to be as baseless in natural science as it is mischievous in politics.—*Pall Mall Gazette*, January 10, 1870.

It may, however, be urged that our great immigration has depressed, or will depress, the price of labor. This might be true if American labor was content to remain in the rut of mere labor; but our experience in the East and all over the country has demonstrated that the large influx of foreign labor has led American labor to seek higher pursuits and more profitable callings. The result has been, on the whole, the promotion of American labor to greater and more enlarged spheres of usefulness. When the American girl was crowded out of the kitchen and dining room by her foreign-born sister, she entered the schoolroom as a teacher, the store as a cashier or saleswoman, and the countinghouse as an accountant or bookkeeper; and when the American boy was crowded out of the factory, the mine, and the rolling mill by his foreign-born brother, he became a captain or a lieutenant of industry, and sought and assumed higher callings in various directions. And the process that has thus been going on between the native and the foreign born has also been going on among the foreign-born themselves.

High wages and good living under the sunshine of American institutions have rendered an earlier crop of foreign-born laborers fit and anxious to be crowded out of their labor sphere and placed on a higher industrial level by a later arrival of foreign-born labor. And thus it has come to pass that continued immigration, so far from depressing the scale of wages, has rather resulted in gradually promoting labor to a higher level. And this is a great gain.

Brute toil and the almighty dollar is not the chief aim of our existence. All who are fit to survive, fit to stay in the ranks of a great nation, by their very nature aspire to a higher plane of development; and the space above, in the social and economic world, results in a large degree from the pressure below. The crude ore becomes pig iron, and the latter becomes the finished engine. I shall not, however, take up your time any further on this feature of the case, but shall content myself with quoting from the report of the Immigration Investigation Commission for the year 1895 the following evidence as to the effect of immigration upon wages:

The influence of immigration on wages is too large and complex a subject for the commission to discuss with any fullness at the present stage of its investigations. The opinion is widespread that wages have fallen since the great tide of immigration set in. The facts do not bear this out. The statistics of immigration already given (see page 8) show that large immigration has almost invariably been coincident with (not necessarily the cause of) prosperity, and the report of the Senate subcommittee of 1891, which was charged with the duty of ascertaining the course of prices and wages of labor, shows further that wages have been highest during these same periods of prosperity. Not only, according to this report, have wages steadily increased during the last three decades of steadily increasing immigration, but they have been the highest during those years in which immigration has been the largest (page 10).

But finally the objection is made that the immigrants furnish an undue proportion of criminals. A superficial examination of our statistics may lead to this opinion, but a more careful consideration and study of the subject in all its aspects makes it plain that such opinion is incorrect and unfounded, and that the immigrants do not, as a matter of fact, furnish more than their proportionate share of criminals, and, in many localities and places, even less.

A short time ago I requested the Hon. Hastings H. Hart, secretary of the board of corrections and charities of the State of Minnesota (a most excellent authority), to investigate this subject thoroughly, and to give me the result of such examination.

In compliance with this request, Mr. Hart has sent me the following letter, with accompanying tables, which demonstrate and make plain that there is no basis, in fact, for the common notion that foreign-born citizens furnish an undue proportion of the criminal population of the country. I quote his letter, which speaks for itself, and which makes it evident and palpable that the immigrants are as law abiding as the native born:

BOARD OF CORRECTIONS AND CHARITIES, STATE CAPITOL,
St. Paul, Minn., April 27, 1896.

DEAR SIR: * * * The statistics which are published showing the ratios of crime are entirely misleading as applied to foreign immigration, for the reason that the prisoners are compared with the entire population of the country—men, women, and children. The children furnish practically no criminals and are nearly all credited to the native-born population, so that the children of foreign-born parents are credited to the native-born population and used against their own parents.

Of the prisoners of the United States 95 per cent are above the age of 15

years and 84 per cent are above the age of 21 years; so that the children ought to be left out of the count. The women of the country furnish only 9 per cent of the criminals, and they may be left out of the count.

In Table No. 1, which I inclose herewith, I have compared the male prisoners of the United States with the males of voting age, and the result is just the opposite from that which is obtained by comparing the prisoners with the males of voting age.

The native-born population of the United States in 1890 numbered 53,300,600; the native-born prisoners, 65,977; ratio, 1.235 to a million. The foreign population numbered 9,231,381; the foreign-born prisoners, 16,352; ratio, 1.744 to a million, an apparent excess of foreigners over natives of 41 per cent.

But the number of native-born males of voting age was 12,591,852; native-born male prisoners 61,637; ratio 4.895 to a million. The number of foreign-born males of voting age was 4,848,459; foreign-born male prisoners 14,257; ratio 3.285 to a million; showing an actual excess of natives over foreigners of 50 per cent.

In the table I have omitted the Southern States, for the reason that they contain only 7.5 per cent of the foreign-born prisoners in the United States; but if the Southern States were included, it would make the showing worse for the native born on account of the large number of colored prisoners.

It will be seen from the table that the men of foreign birth furnish less prisoners proportionally than those of native birth in each division of the Northern States, as follows—(see columns 2 and 3 of Table No. 1):

Number of prisoners to each million males of voting age.

	Foreign born.	Native born.
Northern States.....	3,240	4,445
North Central division.....	1,915	3,550
North Atlantic division.....	4,615	5,205
Western division.....	4,300	6,410

By reference to Table No. 1 it will be seen that the showing is in favor of the foreign born in every Northern State and Territory except Maine, New Hampshire, Arizona, and New Mexico. While the showing is more favorable to the native born in the Northern States than for the whole country, the ratio of the native-born criminals is still 37 per cent larger than that of the foreign born.

If we compare the foreign born with the pure native born—i. e., the native born of native parents—the showing is more favorable to the native stock. (See columns 2 and 5 of the table.)

Number of prisoners to each million males of voting age.

	Foreign born.	Native born of native parents.
Northern States.....	3,240	4,075
North Atlantic division.....	4,300	4,135
North Central division.....	1,915	3,715
Western division.....	4,615	6,050

In the North Atlantic division alone the ratio of foreign-born prisoners exceeds that of the pure native born. The excess is found in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Pennsylvania; but in Rhode Island, New York, and New Jersey the showing is in favor of the foreign born. In the Central and Western divisions the record is in favor of the foreign born in every case except Arizona and New Mexico.

If we compare native born with native born the result is as follows—(see columns 3, 4, and 5, Table 1):

Number of prisoners to each million males of voting age.

	Total native born.	Native born; parents foreign.	Native born; one or both parents native.
Northern States.....	4,445	5,665	4,075
North Atlantic division.....	5,205	8,510	4,135
North Central division.....	3,550	3,005	3,715
Western division.....	6,410	7,645	6,050

Here there is a marked diversity between the different sections of the country. The children of native-born parents show about the same ratio of criminals in the North Atlantic and the North Central States; but the children of foreign parents show nearly three times as high a ratio in the North Atlantic States as in the North Central States. In every one of the North Atlantic States the showing is against the children of foreign parents; but in every one of the North Central States except Illinois and North Dakota the showing is in favor of the children of foreign-born parents. Of the Western States, five show against the native born and six against the foreign born.

The difference in the showing in different parts of the country is due to the character of the immigration. (See Table No. 2.) We can not compare the criminals with the adults of each country for the reason that the census does not so divide them, and it does not make very much difference as long as we compare foreign with foreign.

The following is the number of prisoners to each million of inhabitants of the same nationalities from the principal countries which send immigrants to this country: Mexico, 7.758; Italy, 3.047; Ireland, 2.970; England, 2.106; Hungary, 2.082; Scotland, 1.977; Canada, 1.611; Austria, 1.403; Germany, 1.061; Denmark, 852; Sweden, 730; Norway, 644; Bohemia, 304.

The result is, as will be seen from the two tables, that those States which have a large Irish and Italian immigration—Massachusetts, Connecticut, New York, and New Jersey—show a high ratio of crime among the foreign-born immigrants, while those which have had a large proportion of Germans, Scandinavians, and Slavs, like Ohio, Wisconsin, Minnesota, Iowa, Nevada, and the Dakotas, show a low ratio of criminality among the foreign immigrants.

Not only that, but in the States of the North Central division the foreign born show a ratio of crime only a little more than one-half as large among the foreign born as among the native born, and the result is to bring the average of crime in these States very low. I believe that it may be said truthfully that Wisconsin, Minnesota, Iowa, North and South Dakota, and Nebraska have

a smaller ratio of criminals to the population than any other territory of equal size or any other portion of equal numbers in the civilized world, and this immunity from crime is due to the high quality of the native and foreign immigration into these States, especially the foreign immigration.

I have no doubt that the excessive ratio of crime among the English-speaking immigrants is not due so much to the character of the nations from which they come as to the fact, of which there is uncontrovertible evidence, that known criminals have immigrated to America from those countries. I believe that the apparent decrease of crime in Great Britain is owing to this fact, in an appreciable measure.

The indiscriminate denunciation of foreign immigration is not only slanderous, but it is suicidal.

It will be easy for any experienced student of statistics to verify the figures which I present in the inclosed table.

I shall take pleasure in furnishing any additional information on request. I am, Senator, yours, with high respect,

Hon. KNUTE NELSON,
Washington, D. C.

H. H. HART, Secretary.

No. 1.—Number of male prisoners to each million males of voting age in the northern United States.

	All classes.	Foreign born.	Native alone.		
			Total native born.	Parents foreign born.	Parents native born.
The United States.....	4,480	3,285	4,895	5,475	4,775
Northern States.....	4,045	3,240	4,445	5,065	4,075
North Atlantic division.....	4,920	4,390	5,205	8,510	4,135
Maine.....	2,380	4,525	2,000	6,200	1,615
New Hampshire.....	2,515	3,345	2,285	8,475	1,730
Vermont.....	1,880	2,130	1,815	2,550	1,680
Massachusetts.....	6,735	5,885	7,285	16,200	4,390
Rhode Island.....	4,790	3,475	5,685	10,400	4,060
Connecticut.....	4,195	3,700	4,460	9,035	3,170
New York.....	5,615	4,310	6,440	8,165	5,580
New Jersey.....	5,285	4,600	5,655	8,135	4,860
Pennsylvania.....	4,035	3,765	4,135	5,940	3,675
North Central division:	3,045	1,915	3,550	3,005	3,715
Ohio.....	2,640	1,550	2,940	2,825	2,975
Indiana.....	3,155	1,935	3,325	2,620	3,440
Illinois.....	3,470	2,330	4,120	4,540	4,045
Michigan.....	3,300	2,270	4,000	3,790	4,060
Wisconsin.....	2,325	1,735	2,290	2,690	3,970
Minnesota.....	2,660	1,735	3,960	3,200	4,575
Iowa.....	1,795	965	2,300	1,570	2,530
Missouri.....	3,810	2,180	4,145	3,495	4,205
North Dakota.....	1,680	965	3,060	3,280	2,940
South Dakota.....	1,800	1,000	2,435	2,175	2,550
Nebraska.....	2,135	1,125	2,560	1,010	2,960
Kansas.....	4,940	4,255	5,065	3,165	5,400
Western division.....	5,660	4,615	6,410	7,645	6,050
Montana.....	6,440	4,300	8,335	12,050	7,400
Wyoming.....	2,740	980	3,635	1,610	4,300
Colorado.....	5,330	4,240	5,820	8,570	5,200
New Mexico.....	4,250	6,065	3,928	4,260	3,895
Arizona.....	10,420	12,700	8,780	6,205	9,490
Utah.....	4,810	3,920	5,535	3,655	6,865
Nevada.....	7,160	5,105	9,330	7,665	9,945
Idaho.....	4,760	4,960	4,650	3,825	4,925
Washington.....	3,050	2,415	3,460	4,765	3,135
Oregon.....	3,620	3,340	4,210	6,000	3,920
California.....	7,075	5,275	8,880	9,700	8,580

No. 2.—Total foreign-born inhabitants and foreign-born prisoners in the United States, 1890, distributed according to country of birth.

Country of birth.	Foreign-born inhabitants.	Per cent.	Foreign-born prisoners.	Per cent.	Number of foreign-born prisoners to each million foreign-born inhabitants.
Total foreign born.....	9,249,547	100	16,352	100	1,760
North and South Americans.....	1,088,245	11.76	2,208	13.50	2,029
Canada and Newfoundland.....	980,938	10.61	1,580	9.66	1,611
Mexico.....	77,853	.84	604	3.69	7,758
Cuba, West Indies, and Central America.....	24,448	.26	13	.08	532
South America.....	5,006	.05	11	.07	2,200
Great Britain, Ireland, and Australia.....	3,128,895	33.82	8,099	49.53	2,588
England.....	909,092	9.83	1,914	11.70	2,106
Scotland.....	242,231	2.62	479	2.93	1,977
Wales.....	100,079	1.08	89	.54	890
Ireland.....	1,871,509	20.23	5,559	34	2,970
Australia.....	5,984	.06	58	.36	9,603
Germanic nations.....	3,119,583	33.73	3,371	20.61	1,081
Germany.....	2,787,776	30.14	2,957	18.08	1,061
Austria.....	123,271	1.33	173	1.06	1,403
Holland.....	81,828	.88	61	.37	745
Belgium.....	22,639	.25	26	.16	1,148
Switzerland.....	104,069	1.13	154	.94	1,479

No. 2.—Total foreign-born inhabitants, etc.—Continued.

Country of birth.	Foreign-born inhabitants.	Per cent.	Foreign-born prisoners.	Per cent.	Number of foreign-born prisoners to each million foreign-born inhabitants.
Scandinavian nations.....	933,249	10.09	669	4.09	717
Norway.....	322,665	3.49	208	1.27	644
Sweden.....	478,041	5.17	348	2.13	730
Denmark.....	132,543	1.43	113	.69	852
Slav nations.....	510,625	5.52	486	2.97	951
Russia.....	182,644	1.97	171	1.05	936
Hungary.....	62,435	.68	130	.79	2,082
Bohemia.....	118,106	1.28	36	.22	304
Poland.....	147,440	1.59	149	.91	1,010
Latin nations.....	319,822	3.46	875	5.36	2,736
France.....	113,174	1.22	278	1.70	2,456
Italy.....	184,467	2	562	3.44	3,047
Spain.....	6,185	.07	26	.16	4,204
Portugal.....	15,996	.17	9	.06	562
All others.....	149,128	1.62	644	3.94	4,318

Many of the immigrants who come to our shores are unskilled laborers of the poorer class. Oppressed by poverty at home, they come here to better their condition, and, above all, to find a better and brighter future for their children. Many of them enter, on their arrival, the field of drudgery and labor, at the foot of the ladder, in our large cities—a place cheerfully accorded to them by the native born. Toil and drudgery, such as is theirs, too often seek relief in the flowing bowl, and this brings crimes of common grades in its wake. This is an incident and misfortune of labor, in the lower strata, the world over, among native as well as foreign born. It comes not from the innate depravity of the race, but from the environment and misfortune of certain classes of its members.

Slums are the human excrescences of rapid and congested growth—an incident of even the highest state of civilization. All large cities have their slums among all nationalities the world over. And the poor, the profligate, and the unfortunate—the men of sheer brute toil, whether native or foreign born—make up a large quota of the slum population. And while the proportion of foreign born in the slums of our large cities may be great—by reason of the original environment and pinched poverty of the immigrants—yet, in numbers and in character the slums of our cities will bear favorable comparison with the slums of the great cities in other parts of the world.

We are all creatures of circumstances. Place these unfortunate sons of toil in the slums of a great city, whether they be native or foreign born, and they are apt in some measure to deteriorate, apt to become drunkards and criminals. Place the same men on farms in the woodlands or on the broad prairies of the West, and they become prosperous and model farmers, and their children become full-fledged Americans to all intents and purposes, as though they were the descendants of generations of native born.

In conclusion, let me draw your attention for a brief moment from the slums of the great cities to the prairies and the woods of the great West. Fifty-five years ago Minnesota was a Territory—an undeveloped wilderness, the home of large bands of roving Indians, with but 6,000 white people within her borders. Eight years later she became a member of the American Union, with a population of over 150,000 people. In 1895, pursuant to a census then taken, she found herself with a population of 1,574,619 people, of whom 517,535 were of foreign birth and 573,783 were natives but of foreign parentage. In 1894 her assessed valuation was \$642,903,651, and her permanent school and university fund was \$11,746,187, and she expended during the year for educational purposes, in all, \$3,945,645; and 337,761 pupils were enrolled in her common, graded, and high schools, 1,839 in her normal schools, and 1,828 students in her State university.

Out of all this population there were but 613 inmates in her State prison and State reformatory—the only places for confinement of adult criminals outside of the jails and workhouses—and out of this prison population 423 were native born, and 190 foreign born. And in the State reform school for incorrigibles and juvenile offenders there were 428 inmates, of whom 339 were native born, and 89 of foreign birth. No State can show a finer record than this; and the foreign born have a prison record better even than the native born. Such is Minnesota. And she is, to a large extent, under the sunshine and dew of her free institutions, the product of the industry, the perseverance, the frugality, and the thrift of her foreign-born citizens and their children. But she is entitled to all and more than all they have brought her.

They came there, most of them, poor and empty handed, with no capital but stout hearts and willing hands, but possessed of

an intense desire and purpose to become good American citizens. She received them with open arms, as though they were to the manor born, and on a parity with her own people. And to-day, after the lapse of half a century, she can truly say that they have not betrayed the trust she reposed in them. As the good wife, though loving her mother, still gives her husband the uppermost place in her affections, so do the foreign-born sons and daughters of Minnesota, though loving the lands of their birth, still place her, and the great country of which she is a part, uppermost and foremost in their love and affection.

"They bear a love for the country of their adoption as if she were their daughter. Smoke her pipe in peace, bear her tomahawk in war."

APPENDIX.

No. 1.—Total immigration to the United States during each fiscal year since 1819.

Year.	Number of immi-grants.	Year.	Number of immi-grants.	Year.	Number of immi-grants.
1820	8,385	1847	234,968	1874	313,339
1821	9,127	1848	266,527	1875	227,498
1822	6,911	1849	297,024	1876	169,986
1823	6,354	1850	369,980	1877	141,857
1824	7,912	1851	379,466	1878	138,469
1825	10,199	1852	371,603	1879	177,826
1826	10,837	1853	368,645	1880	457,257
1827	18,875	1854	427,833	1881	699,431
1828	27,382	1855	200,887	1882	788,992
1829	22,520	1856	195,857	1883	696,322
1830	23,322	1857	246,945	1884	518,592
1831	22,633	1858	119,501	1885	395,346
1832	60,482	1859	118,616	1886	334,203
1833	58,640	1860	150,237	1887	490,109
1834	65,365	1861	89,724	1888	546,889
1835	45,374	1862	89,007	1889	444,427
1836	76,242	1863	174,524	1890	455,302
1837	79,340	1864	193,195	1891	560,319
1838	38,914	1865	247,453	1892	623,084
1839	68,069	1866	318,494	1893	502,917
1840	84,066	1867	298,967	1894	314,467
1841	80,289	1868	282,189	1895	279,949
1842	104,565	1869	352,768	Jan. 1, 1896	165,932
1843	52,496	1870	387,203		
1844	78,615	1871	321,350		18,022,785
1845	114,371	1872	404,806		
1846	154,416	1873	459,803		

No. 2.—Table of immigration by nationalities and countries for each fiscal year since 1820 up to and including the fiscal year ended June 30, 1895.

The United Kingdom:		
England	1,809,916	
Ireland	4,035,118	
Scotland	371,430	
Wales	37,133	
Other places	500,420	
Germany	6,814,017	
Scandinavia:	4,976,036	
Norway and Sweden together up to 1870	153,923	
Norway since 1870	332,265	
Sweden since 1870	660,193	
Denmark	173,173	
British North America up to 1885 (no record since)	1,319,559	
Austro-Hungary:	1,040,925	
Bohemia	77,247	
Hungary	250,348	
Other parts of Austria, except Poland	384,276	
Italy, including Sicily and Sardinia	717,871	
Russia, including Finland, but not Poland:	682,611	
Russia	470,626	
Finland	34,222	
France	504,848	
Switzerland	384,490	
Poland	197,408	
Netherlands	145,843	
Belgium	127,972	
Spain	59,725	
Portugal	37,506	
Turkey in Europe, including Roumania, Bulgaria, Servia, and Montenegro	21,797	
Unclassified, including Asiatic and African	14,122	
Total	978,055	

No. 3.—Immigration classified by races.

Germanic:	
Germany	4,976,036
England, exclusive of Ireland, Scotland, and Wales	2,370,336
Scandinavia	1,319,559
British North America	1,040,925
German parts of Austria	384,276
Netherlands	127,972
Germanic-Celtic:	10,219,104
Ireland	4,035,118
Scotland	371,430
Wales	37,133
Latin:	4,443,681
Italy	682,611
France	384,490
Spain	37,506
Portugal	21,797
Total	1,126,404

No. 3.—Immigration classified by races—Continued.

Poles, Slavs, Hungarians, and kindred races:		
Hungary	256,348	
Poland	145,843	
Bohemia	77,247	
Turkey in Europe, including Roumania, Bulgaria, Servia, and Montenegro	14,122	
Total	493,560	
Tartar-Slav-Germanic:		
Russia in Europe, exclusive of Finland and Poland	470,626	470,626
Latin-Germanic:		
Switzerland	197,408	
Belgium	59,725	
Total	257,133	
Finnish-Germanic:		
Finland	34,222	
Unclassified, including Latin-Indian, negro, and Asiatics	978,055	
Total	18,022,785	

No. 4.—Statistics of population, property, education, and crime in the State of Minnesota.

Item.	1890.	1894.	1895.
Total population	1,301,826		1,574,619
Native born	834,470		1,057,064
Foreign born	467,356		517,535
Native born; both parents foreign	406,808		* 450,486
Native born; one parent foreign	111,343		* 123,297
Total foreign born, and of foreign parentage	985,507		* 1,091,318
Total native born of foreign parentage	518,151		* 573,783
Assessed valuation		\$642,906,651	
Permanent school fund		10,712,120	
Permanent university fund		1,034,067	
Expended for common and graded schools during year		3,584,488	
Expended for State University		235,157	
Expended for normal and high schools		126,000	
Expended for institutes and training schools		27,000	
Total for education during the year		3,972,645	
Pupils enrolled in common, graded, and high schools		337,761	
Pupils enrolled in normal school		1,839	
Students in State University		1,828	
Number of common school districts		6,111	
Number of high schools		85	
Number of normal schools		4	

* Based on the same ratio as 1890.

CENSUS OF PRISON POPULATION, 1895.

	Number of inmates.	Native.	Foreign born.
State prison	485	337	148
State reformatory	128	86	42
State reform school for incorrigibles and juvenile offenders	428	339	89
Total	1,041	762	279
State public school for dependent and abandoned children	260	244	16

No. 5.—Population of the United States in 1890.

Total population	62,622,250
Native born	53,372,703
Foreign born	9,249,547
Native born, both parents foreign	8,085,019
Native born, one parent foreign	3,418,656
Foreign born and of foreign parentage	20,753,222
Native of foreign parentage	11,503,675
Total immigration, 1820-1895	18,022,785
Giving the same ratio of increase as is given to the foreign born by the census of 1890, it would leave of—	
Native, both parents foreign	15,753,737
Native, one parent foreign	6,661,071
Total native of foreign parentage	22,414,808

Thus showing that the foreign immigrants and their first generation of children have added to the population since 1820 40,437,593

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The pending question being on the amendment of Mr. TURPIE, to insert the word "not" before the word "entitled," and to strike out the last clause; so as to make the resolution read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

Mr. PLATT. Mr. President, knowing that the Du Pont case would be before the Senate to-day, and having it somewhat in mind, I took up a morning paper and my eyes fell upon this startling headline: "The most marvelous thing in a century." I supposed, of course, that the article which followed referred to the marvelous, the most remarkable and strange occurrences which took place in the joint meeting of the members of the two houses of the legislature in the State of Delaware on the 9th day of May, 1895; and I confess that I was surprised when on reading the article I found it related only to a patent medicine.

The occurrences which took place on the 9th day of May, 1895, in the joint assembly of the State of Delaware constitute the most remarkable thing which has taken place in the last century. I do not know but that I ought to qualify that statement by saying that the arguments which have been used in the Senate to sustain the declared result on that day are even more remarkable; and I do not know but that I ought to qualify it further by saying that if the Senate, by a majority vote, dividing on party lines, should sanction what was declared to be the effect of that day's proceedings, it would be more marvelous still.

What was it that took place on that day? The legislature which met in January previous in the State of Delaware was charged with the duty of electing a United States Senator. The house consisted of 21 members when full and the senate consisted of 9 members. When the legislature came to ballot in the separate houses no election resulted from the ballots thus taken, and on the 16th day of January, I think, 1895, according to the United States statute, the members of the legislature of Delaware met in joint assembly for the purpose of proceeding to elect a Senator. They continued every day from that date until the 9th of May, 1895, meeting in joint assembly and balloting for a Senator without any result.

In the meantime, on the 9th day of April, the governor of Delaware, Joshua Marvil, died. By the constitution of Delaware, to which I shall allude more specifically hereafter, the speaker of the senate, William T. Watson, became the governor of the State, and from that day, the 9th of April, when he became governor of the State, he abandoned the exercise of any duties as senator or as speaker of the senate and assumed the duties and functions of governor of the State. He occupied the executive office. He had not been present in the senate during that whole month. He had not entered the joint assembly of the members of the two houses during that whole month.

On the 9th of May, a resolution having been passed for the final adjournment of the legislature to take place at 3 o'clock p. m. on that day, the joint convention met, having taken a recess from the day before, at 9 o'clock in the morning, and commenced balloting for a Senator, with the usual result, 29 votes cast, no one receiving more than 14, the other 15 being divided among several of the candidates; and it so balloted until 11 o'clock, when a recess was ordered for one hour.

During that morning William T. Watson occupied the executive office; did not come to the senate, did not come to the joint meeting of the members of the legislature; but upon the reassembling of that joint meeting, this governor of the State of Delaware entered the joint meeting of the members of the legislature, assumed to preside over it; did preside over it, assumed to vote in it; did vote in it for some 27 times, and upon each of those ballots Mr. Du Pont received 15 votes and the other candidates received, including the vote of the governor, 15 votes, this governor, acting as presiding officer of the joint meeting of the members, declaring in each instance that there was no election, as no one had received a majority of the votes cast, and when the hour of 3 o'clock came, declared the joint meeting adjourned without day, and the legislature adjourned.

For a hundred years in the State of Delaware it had never been supposed by anyone that a person occupying the position of governor, whether elected by the people or whether called to that position to fill a vacancy occurring by the death of the governor elected by the people, could take part in the senate of the State of Delaware or could be a senator. There had been nine instances in which the speaker of the senate had been called to occupy the position of governor owing to the death or resignation of the governor who had been elected by the people, and in no single instance upon any occasion had the person so called to occupy the position of governor acted as senator, occupied a seat in the senate, acted in a joint convention of the two houses, or a joint meeting of the members of the two houses, or cast any vote. I venture to say, and I think it will not be contradicted, that during that whole one hundred years it had never been supposed that he could do it. It had been the accepted understanding of every man who had occupied the position of governor under those circumstances that

he could not do it, and the affidavits here show that on the morning of the 9th day of May, 1895, William T. Watson, occupying the position of governor of the State of Delaware, himself believed that he had no right to do it.

But something occurred during that hour of interval between the morning and noon session of the joint meeting which changed his mind and decided him to act. A member of the house who had been constantly voting for Mr. Addicks as Senator, upon the last day, a Republican, feeling that he could not take the responsibility of preventing an election of Senator in the State of Delaware, gave notice that he proposed in the joint meeting which was to assemble at 12 o'clock to vote for Mr. Du Pont, which would give him 15 votes, a majority of all the votes which had been cast in the joint meeting from the 9th day of April, 1895, to the 9th day of May, 1895. Then it was that Governor Watson was called upon to take a seat in the joint meeting and to vote, and thereby prevent an election; and it is in the sworn affidavits here that he said he could not do it, for he had no right to do it. He was then told that Chancellor Wolcott either had rendered a different opinion or Chancellor Wolcott himself informed him that it was his opinion that he could do so. So, against his own idea of what his duty was, in violation of his own idea of what his power was, he entered that joint meeting and cast his vote 27 times; and, assuming the presidency of the convention or meeting, declared that no election was had.

Mr. President, I venture to say, on this simple statement of the case, there was not only no man in Delaware who up to that hour believed that Governor Watson could do that thing, but until this effort to refine away the plain provisions of the constitution of Delaware occurred upon the consideration of this case there was no man in the United States who would have believed or did believe that Governor Watson could legally do this thing. Am I not justified, therefore, in saying that of all the remarkable performances which have ever occurred relating to the election of a United States Senator in the last century this is the most remarkable of all? The marvel of it will only be exceeded if this Senate allows such a usurpation, such a violation of constitutional law, such a wicked prostitution of power to prevail and prevent the seating in this body of Mr. Du Pont.

The debate in this case has taken a very wide range. The provisions of the Delaware constitution are perfectly plain. Upon looking at that with an unprejudiced eye it would admit of but one construction, and yet this debate has extended over all English and American law. The Constitution of the United States and the constitution of every State in the Union have been discussed with the utmost technicality and, I may say, with exceeding ingenuity. I shall not attempt to follow the Senators who have attempted to argue away and to argue out of sight the plain provisions of the constitution of Delaware by these ingenious, thinly spun, hair-splitting arguments upon the constitutions of other States and upon the Constitution of the United States.

Sometimes I have thought, Mr. President, that I should never be able to establish in this body the reputation of being a great constitutional lawyer, because to establish that reputation it seems to be thought necessary to be able to argue all day—one day, two days, or three days—upon questions which do not affect the main result, which do not affect the main question, and to show a wealth of learning and research which will impress not only this Senate but the entire country. I despair of ever being classed in the ranks of constitutional lawyers if that be necessary to constitute one. I have never learned to—

* * * distinguish, and divide

A hair, 'twixt south and southwest side—

but I do think, as a lawyer, I can understand the plain provisions of the constitution of Delaware which are important to this case. Nay, I think that a layman, one who makes no claim to be learned in the law or distinguished as a constitutional lawyer, may read as he runs and can not err therein. It is only by refinement, by raising false issues, by attracting the attention of the Senate to matters not connected with this case, that there is any possibility of obscuring the result.

As every case contested in a judicial tribunal finally resolves itself into one or at the most two simple propositions over which the contention proceeds, so this case has resolved itself into two simple propositions. Those who claim that Mr. Du Pont was not elected must maintain that William T. Watson, on the 9th day of May, 1895, was not governor of the State of Delaware, or they must maintain that, admitting that on the 9th day of May William T. Watson was governor of the State of Delaware, the Senate has no right to inquire into that legal question as to whether he was or was not. It is to those points that I propose to address the few remarks which I shall make in favor of Mr. Du Pont's claim to a seat in the Senate.

I say, then, that Mr. Watson was a governor of the State of Delaware; and I think nothing shows more clearly the search, the earnest search, which those who oppose Mr. Du Pont's claim to be entitled to a seat here have made to discover what William

T. Watson was if he was not governor; and the very able, learned, and distinguished Senators who have argued this question do not seem to agree as to what he was. The very fact that they can not agree to my mind shows how futile and how untenable is the position that he was not a governor. I had supposed that there was only one kind of a governor in a State or that there could be but one kind of a governor; that a man who was entitled to perform all the functions of the office, that a man who took the oath required for a governor, that a man who exercised all the privileges and prerogatives pertaining to the office of governor, that a man who received the emoluments of the office, was a governor, and only such a man was a governor; and that no matter how he came to occupy the position, if those requisites were present, if he was capable of performing without limitation all the functions and exercising all the powers of the gubernatorial office, if he was entitled to enjoy all the prerogatives of that office, if he had sworn to execute that office, and if he received the salary and emoluments of that office, he was governor. There is no other distinction to be found in any law book, and those questions determine in every case whether a man is the officer that he claims to be.

But it seems that the Senators who have argued this case upon the other side have discovered a variety of governors. It would be amusing, if it were not so serious, to recapitulate the kinds of governors that they think may exist in a State. Counsel against the claim of Mr. Du Pont conceded that he was a governor, but called him an "ad interim governor." That is one kind of a governor which has been invented for this case. The journal of the convention has discovered another kind of a governor, "a speaker-governor," for in the journal of the convention it says: "The hour of 12 o'clock having arrived, the senate, preceded by Speaker-Governor Watson, attended by the clerk and sergeant-at-arms, proceeded to the hall of the house of representatives;" and "Speaker-Governor Watson directed the clerk to call the roll;" and "Speaker-Governor Watson declared the houses adjourned sine die."

Mr. VILAS. Would it interrupt the Senator if I should ask him a question?

Mr. PLATT. Oh, no.

Mr. VILAS. I was just going to ask, has not the constitution of the State of Delaware a right to say what he should be and what he should be called?

Mr. PLATT. I will come to the constitution of the State of Delaware. The constitution of the State of Delaware only recognizes one kind of a governor, and I will show it thoroughly before I get through.

So we have the conceded governor by the counsel against Mr. Du Pont, called "ad interim governor"; we have a "speaker-governor," according to the journal of the joint assembly; we have, according to the Senator from Delaware [Mr. GRAY], a most astonishing kind of a governor—"a stop-gap governor"; we have, according to the Senator from Mississippi [Mr. GEORGE], "a speaker of the senate who ad interim exercises the powers of governor"; and we have, according to the Senator from Indiana [Mr. TURPIE], "no governor at all, but a speaker, and only a speaker."

Mr. GRAY. Now give us what the constitution calls him.

Mr. PLATT. I trust the Senator will allow me to proceed in my own way.

Mr. GRAY. I beg the Senator's pardon for interrupting him.

Mr. PLATT. Is it not remarkable, Mr. President, that those who claim that William T. Watson was not to all intents and purposes governor of the State of Delaware should be driven to the strait of inventing these unheard-of governors, even to the idea which the Senator from Delaware is entitled, I think, to a patent on, the inventing of a "stop-gap governor"? As I said, it would be amusing if it were not so serious.

The constitution of the State of Delaware provides for the election of a governor by the people, who shall hold his office for four years, and it then provides, in section 14, that—

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Is there anything there which indicates that there may be two kinds, or three kinds, or four kinds of governors in the State of Delaware? But Senators say that because this language is used, "shall exercise the office until a governor elected by the people shall be duly qualified," that that means that the person who at the time of the death of the governor happens to be the speaker of the senate does not become to all intents and purposes governor, but he simply exercises the office of governor. None of the Senators go so far as to say that he is in no sense a governor, except the Senator from Indiana, who says he is a speaker, nothing more, and that this language which I have read from the constitution of Delaware confers upon the speaker, upon that officer, the duty of discharging, while the vacancy continues, the duties of governor, but that he becomes in no sense the governor. Well, Mr. President, that meets the issue squarely. All the other theories

that he is not a governor in the full sense, but a governor in a limited sense, an "ad interim governor," "a speaker-governor," "a stop-gap governor"—all those contentions, it seems to me, are simply evasions of the one issue here. The Senator from Indiana meets it boldly, if not successfully.

Senators say that the words "exercise the office of governor" are inconsistent with the idea that he is governor, and they seem very strangely to have overlooked the fact that in this very same constitution and in this very same article the words "exercise the office of governor" are used to denote the man who is elected governor. Section 5, article 3, is as follows:

No member of Congress nor person holding any office under the United States, or this State, shall exercise the office of governor.

Does not that refer to the elected governor? Does it refer merely to a speaker who, upon the theory of the Senator from Indiana, has thrust upon him the obligation to perform the duties of governor and performs them *ex officio*? No. This section 5 uses the words "exercise the office of governor" synonymously with the phrase "hold the office of governor." It can not be held by any refinement of reasoning not to apply to the elected governor, and there is no distinction, therefore, to be drawn in this constitution of Delaware between an elected governor and a governor who, under the terms of the constitution, becomes governor in case of a vacancy. It is somewhat remarkable that this phrase has not attracted the attention of the Senators who hold that the words "exercise the office of governor" are incompatible with the idea that the man called upon to assume the position in case of a vacancy is the governor. I will read it again:

No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

Is not that the same thing as saying that no man holding any such office shall be governor—shall be elected governor? Does not this refer to the governor who may be elected? Unless Senators can resort to some more ingenious refinement of reasoning than they have yet resorted to, there is a large stumbling-block which they can not pass over and can not remove out of the way. The language is the same.

SEC. 14. Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office, etc.

SEC. 5. No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

But in the very language in the constitution, in section 14 of Article III, the plain implication is that there may be a governor of the State who is not elected by the people, and that the person who assumes the vacant place, who succeeds to the vacancy by reason of having been at the time when the vacancy occurred speaker of the Delaware senate, is a governor, though called to fill a vacancy, as truly as though elected by the people.

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until—

When?—

until a governor elected by the people shall be duly qualified.

Why did they put in "elected by the people" if the person who exercises the office is not as fully governor as a governor elected by the people? Why does it not say "until a governor shall be duly qualified"? If a speaker of the senate, occupying the office of governor is not a governor, then the words "elected by the people" are entirely surplusage. You will find that language repeated several times here—a plain implication, as the language to which I have heretofore alluded is a plain declaration—that the person, whoever he may be, who is called to the gubernatorial chair by reason of the death or resignation of the person filling it is governor.

If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Why did it not say "until a governor shall be elected by the people and duly qualified"? If it had used that language there might possibly have been an opportunity to reason by implication that the only governor known to the State of Delaware was a governor elected by the people. If the speaker of the senate or the speaker of the house called to the gubernatorial chair were not the governor, then this language is entirely out of place.

I come now to the third phrase in section 14 of Article III:

If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified.

Plainly, Mr. President, the term "holding the office" is used synonymously with the term "exercise it," as it is used in section 5.

But here is another provision which I should like to have the Senators explain who say that a person coming to the gubernatorial chair by reason of the provisions of the constitution in case

of the death of the governor is not a governor. It is the last clause in section 14.

Mr. GRAY. Of what article?

Mr. PLATT. Of Article III.

The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

We have in the commencement of section 14, Article III, the provision that—

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Now, can not the governor who has been called upon because he was speaker of the senate, or, in the next instance, called upon because he was speaker of the house, be removed for inability by two-thirds of the members of the legislature in each branch? If so, it is declared here in the constitution in plain words and terms which can not be overcome that the person so called to the office of governor is governor.

The governor—

It makes no distinction how he came to be governor—

shall not be removed from his office for inability but with the concurrence of two-thirds—

And it is already provided in the section that in the case of the inability to discharge the office of the governor who has come from the speaker's chair to the gubernatorial chair the speaker of the house of representatives shall be governor.

I do not think I need go further, Mr. President. These provisions of the constitution of the State of Delaware are simple; they are plain; they are not capable of more than one construction, because the words "exercise the office," when applied to the person who was speaker but who becomes governor, are the same words which are used in section 5, referring to a governor who is elected by the people. In the last clause any kind of a governor is referred to, or rather it precludes the idea that there can be but one kind of governor in the State of Delaware, and when the inability of that governor occurs he can be removed by the concurrent vote "of two-thirds of all the members of each branch of the legislature," and not otherwise.

It is a refinement of ingenuity—I was going almost to say unworthy, I will say it is out of place in this body—to deny that the State of Delaware has a governor to-day, or that he is any less a governor than if he had been elected by the people. The constitution declares that he shall be governor when it declares that he shall exercise the office of governor. The only difference between him and an elected governor is in the length of his term of office. The elected governor holds his office for four years. The governor who comes to the chair because at the time of the death of the elected governor he occupied the position of speaker of the senate holds his office until another governor has been elected and qualified. That may be a longer or shorter time. In the State of Delaware it has been as much, I think, in some instances as two years and a half; in some instances it has only been a few months. It might be more than four years. The person called to the gubernatorial chair under this provision of the constitution that the person occupying the position of speaker of the senate at the time of the death of the governor shall become governor may have a longer term than the elected governor. He may be five years in his place, because under the provisions of the constitution in case there is a contest he would hold until the end of the contest, and if the contest extended over the whole four years of the term of governor he would hold that four years in addition to the months or years that he had held in consequence of the death of the preceding governor. Is there anything in that which detracts from the dignity, the power, or the character of the governorship, assumed, cast upon the person who was speaker of the senate?

There is another provision here. I do not turn to it at this moment, but I can state what it is. It may so happen under the constitution of the State of Delaware, and has so happened, that the person thus called upon under the constitution to become the governor of the State is required to exercise his office after his senatorial term shall have expired. I can not turn to the provision, but there will be no controversy on that subject.

Now, if in the person who becomes governor it be only the casting of certain powers and duties upon another officer, how is it that the person holding that office must, under the constitution of the State of Delaware, continue to hold it after his term of office expires? If anything were needed to make the contention perfectly conclusive that it is the man who becomes governor and not the officer who is called upon to discharge the functions of governor, it seems to me that this fact is irresistible.

I had wondered how that argument would be met. I had wondered how the Senators who said that there was no governor

of the State of Delaware under such circumstances would meet it. I do not recollect that the distinguished Senator from Indiana [Mr. TURPIE] attempted to meet that argument. He said, indeed, there was no governor in Delaware to-day; that there was simply a speaker there who was charged by the constitution with performing the duties which the governor, if there were one, would have to perform; and yet, if I am not mistaken, he entirely overlooked the fact that the very same person, who he says is speaker and not governor, will, if I am not misinformed as to the term of his service, be governor, exercise the office, perform the duties of governor, after his senatorial term and speakership shall have expired.

The Senator from Mississippi [Mr. GEORGE] saw the pinch of the case and he invented a way out. He is entitled to great credit for his ingenuity, but I think he exercised it at the expense of his reason. He says that the constitution of the State of Delaware in such a case prolongs the term of the senatorship, and when the constitution says that a senator shall be elected for four years he may possibly have been elected for eight.

Mr. GEORGE. Will the Senator mind if I correct him in that statement?

Mr. PLATT. Not at all.

Mr. GEORGE. I expressly stated that the constitution did not prolong the office of senator; it prolonged the office of the speaker of the senate. I expressly stated that it did not prolong the office of senator, and gave my reasons for it.

Mr. PLATT. Then the Senator is driven to the more absurd contention that a man may be the speaker of the senate of Delaware who is not a senator. He would be obliged to allow that the senate of Delaware might elect an outsider to be its speaker. Is there anything in the constitution which says, except by this remote and ingenious implication, that the speaker of the senate may continue to be speaker of the senate after the senate has dissolved and gone into the dreary past; that he lives on, a sad survivor of the senate of the State of Delaware? Oh, Mr. President, when the necessities of the case require a resort to such arguments the case must be poor indeed!

Now, if a man be governor of the State of Delaware—and for this purpose I do not care what kind of a governor—whether a governor elected by the people, an ad interim governor, or a stop-gap governor—if he be a governor of the State of Delaware he can not be a senator.

Mr. MITCHELL of Oregon. If the Senator from Connecticut will allow me right there, before he leaves the point he has just been discussing so clearly—unanswerably, as I think—I should like to call the attention of the Senator to another absurdity.

Mr. PLATT. I should be very glad if the Senator would do so.

Mr. MITCHELL of Oregon. It seems to me the argument of my distinguished friend from Mississippi leads him—

Mr. GEORGE. If the Senator from Oregon is referring to me, I do not hear what he is saying.

Mr. MITCHELL of Oregon. I was about stating that it seems to me another suggestion can be made in addition to the one suggested by the Senator from Connecticut, which shows the nontenability—I said absurdity a moment ago—of the argument of the Senator from Mississippi. If the effect is, as claimed by the distinguished Senator from Mississippi, to extend the office of speaker over and beyond the period when that same speaker ceases to be a senator, and he continues, as he must continue under another provision of the constitution of the State of Delaware, to exercise the office of governor until a governor elected by the people is duly qualified, then it might happen, and undoubtedly would happen in perhaps many cases, that a new senate would come into power and a new speaker would be elected; and you would then have two speakers, not a speaker pro tempore and a regular speaker, but two speakers of the senate of the State of Delaware at one and the same time.

Mr. PLATT. Or the senate would find itself in the remarkable situation that it would have no speaker. It could not elect a new speaker constitutionally and legally, and the old speaker would be governor.

Mr. MITCHELL of Oregon. One of the two would happen.

Mr. PLATT. One of the two.

Mr. President, I was proceeding to say that no matter what kind of a governor William T. Watson may be, if he is a governor, he can not be a senator; because if he is a governor he holds the office of governor, and it is expressly provided in section 13 of Article II that—

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, etc., shall, during his continuance in Congress or in office, be a senator or representative.

It would seem as if it could not be contended that William T. Watson was not in the office of governor, was not holding the office of governor; it would seem as if all these provisions of the constitution of the State of Delaware were too plain to admit that

he was not in the office of governor, that he was not holding the office of governor; and if he is, he can not, by the plain prohibition of the constitution, be a senator at the same time. If he is an ad interim governor, he can not be a senator at the same time; if he is even a stop-gap governor, he can not be a senator at the same time; and even if he is only a speaker-governor, he can not be a senator. There is no distinction made. In either of the cases he is holding an office.

The Senator from Indiana [Mr. TURPIE] has taken the only alternative in arguing the case, and that is that he is not a governor in any sense. When counsel admitted that he was a governor, though only an ad interim governor, when the Senator from Delaware [Mr. GRAY] admits that he is a governor, only a stop-gap governor, and when the journal admits that he is a governor, only he is a speaker-governor, his right to be a senator, to act as a senator, is conceded away. The only difficulty with the argument of the Senator from Indiana and the Senator from Mississippi, who also, I think, holds that he is not a governor, but only a speaker who ad interim exercises provisionally the office, was plainly seen by the Senator from Delaware and by counsel in the case, and that is that it is untenable, that the constitution of Delaware calls him governor, provides that he shall be governor, makes no distinction between him and the governor elected by the people, indicates by plain implication of language that a governor elected by the people and a governor called because he occupies the office of senator or speaker of the senate at the death of the governor are the same.

If this be so, Mr. President, there is no use going any further in the case to inquire whether there is an incompatibility in these offices, to inquire what effect the conduct of the people of Delaware, what effect the conduct of former officials, what effect the precedents have upon the construction of the constitution, because once admit that William T. Watson was governor of the State of Delaware, and he can not be a senator of the State of Delaware at the same time. It is utterly needless to go into the question as to whether, in case there is no new election of a senator ordered, he can resume a place as senator when his term of office as governor expires, because he can not be a senator while he is governor, and it is not claimed that he can be if he is governor, as I understand it, when the argument is resolved down to its final analysis.

I might say the argument has been adduced here that the people of the State of Delaware have treated the office of senator as if it existed so that when the person who was called to be governor because he was speaker of the senate ceased to be governor, he could come back and resume his place, and therefore the constitution must be construed as making it proper, constitutional, and compatible that the governor might at the same time be a senator of the State. If that be so, Mr. President, if that has any effect upon the construction of the constitution, then the fact that no governor has ever attempted to exercise the office of senator or speaker of the senate, or, while governor, to perform any duty attaching to the office of senator or speaker of the senate, is equally conclusive that the constitution does not permit it.

I do not need to go into the argument that the constitution of Delaware is not to be construed by or in the light of what has been done by speakers of the senate during the last hundred years. It is utterly immaterial, I think, for the whole case hinges upon the question whether Watson was a governor, any kind of a governor, in any sense a governor in which the constitution of Delaware recognizes that officer. If he was, he could not be a senator. Constitutions can not be construed by what has been done or suffered to be done by the people of a State or even by a legislature. It may be evidence of what people have thought about it, but it can not in any way affect the meaning of the constitution; and if it be true that it evidences the fact that the people of Delaware thought the office still remained, although the man was for the time being taken away from it, so that when his office of governor ceased he could return to the office, then it also evidences the fact that the people of the State of Delaware never believed that while in the office of governor he could attempt to discharge the duties of senator or of speaker of the senate.

That, I think, is quite enough to say upon this branch of the case. I am not on the Committee on Privileges and Elections, and I have not studied carefully every detail and every word in the reports and in the arguments. I have, as I think, given sufficient attention to the case to see where it hinges. It all hinges upon the question whether William T. Watson on the 9th day of May, 1855, was governor of the State of Delaware as he was supposed to be, and I should be very sorry to see the Senate, driven by the necessities of party, to declare, in plain opposition, as it seems to me, to the constitution of Delaware—in plain opposition to what has been thought to be for a hundred years constitutional law in the State of Delaware—that William T. Watson was not governor on that day. I might go into the argument as to the impossibility of his performing the duties of senator at the same

time when he performed the duties of governor and was governor. But that has been fully gone into by speakers who have preceded me.

But one illustration comes to my mind which I think shows the entire absurdity of the claim that in the nature of things a man can be a governor and a senator at the same time. It is as impossible as that two particles of matter shall occupy the same space at the same time. I suppose that in the legislature of the State of Delaware, as in every other legislative body, there must be some rule, as there is in this body, to provide for securing the attendance of absent members in the senate and house, and that less than a quorum may compel the attendance of absent members. Just think of the senate in session, not a quorum present, and less than a quorum directing the absent members to be summoned, and a sergeant-at-arms sent after William T. Watson, governor of Delaware, in the field at the head of the army and fighting the battles of the State or in the discharge of any other gubernatorial duty, to bring him into the senate. If he is a senator, it could be done. No, no; he was not senator and he was not speaker of the senate.

The view which I have advanced, namely, that William T. Watson, immediately on the death of Joshua A. Marvil and the taking of the oath of office, became governor of the State of Delaware and remains governor of the State until this time, and that there is no limitation or qualification upon his right to that office, is abundantly justified by the case of *Chadwick vs. Earhart*, quoted by the Senator from Michigan [Mr. BURROWS] in his admirable argument upon this question. The constitution of the State of Oregon provided as follows:

In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected. (Constitution of Oregon, Article V, section 8.)

It was claimed that the duties of the office of governor became thereby annexed to the office of secretary of state; in other words, that the duties of the office, but not the office itself, devolved upon the secretary of state. Chief Justice Waldo, in delivering the opinion of the court upon this claim, proceeds to say:

This position seems to require, first, either that the office of governor should continue vacant during the time the secretary discharges its duties, and that such duties be in some way performed by the secretary of state, as such, consistently with a condition of vacancy; or, second, that the office be filled, and yet he who fills it be in no wise governor, but continue to be merely secretary of state.

In the first place, it is not shown how an office can be vacant and yet there be a person—not the deputy or locum tenens of another—empowered by law to discharge the duties of the office, and who does in fact discharge them. It is not explained how in such a case the duties can be separated from the office so that he who discharges them does not become an incumbent of the office; and, in the second place, how a person can fill the office of governor without being governor.

It is the function of a public officer to discharge public duties. Such duties constitute his office. Hence, given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office. Such is the case here. The secretary of state, by force of the function cast upon him, becomes governor, and consequently entitled to the salary appertaining to the office.

In *Merriam vs. Clinch*, 6 Blatch., 9 (1867), Mr. Justice Blatchford said: "Three times since the adoption of the Constitution the President has died, and, under the provision referred to, the powers and duties of the office of President have devolved on the Vice-President. All branches of the Government have, under such circumstances, recognized the Vice-President as holding the office of President, as authorized to assume its title and entitled to its emoluments. The Vice-President holds the office of President until a successor to the deceased President comes to assume the office at the expiration of the term for which the deceased President and the Vice-President were elected."

The case of *The People, ex rel. Church, vs. Hopkins* (85 N. Y., 74) is much in point. In 1859 a law was passed in New York establishing the office of superintendent of insurance. The superintendent was to be appointed by the governor for the term of three years, with authority to appoint clerks, one of whom was to be designated his deputy, and to "possess the powers and to perform the duties attached by law to the office of principal during a vacancy in such office, and during the absence and inability of his principal." The superintendent resigned his office, the duties of which thereupon devolved upon the deputy. The deputy claimed the salary of a superintendent during the time he discharged the duties of the office, and it was held that he was entitled to such salary.

The court, by Grover, J., supported the conclusion reached by references which are especially pertinent in this case: "But there are precedents which, though not judicial, I regard as entitled to be considered as decisive of the question under consideration. In the constitution of the State adopted in 1822 will be found the following provision: 'In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted.' (Const. 1822, Article III, section 6.) On the 11th of February, 1828, the office of governor became vacant by the death of De Witt Clinton, the then incumbent of the office, and its powers and duties, under the above provision of the constitution, devolved on Nathaniel Pitcher, then lieutenant-governor. The question arose whether he was to be regarded, in the exercise of the powers and performance of the duties so vested in him, as acting governor, or in the performance of the contingent duties of lieutenant-governor, and, as a consequence, whether he was entitled to the salary of the former office, or the compensation given to the lieutenant-governor for his services as such."

"It was held by William L. Marcy, then comptroller, that he was to be regarded as the acting governor and entitled to the salary given by law to that officer. The same questions, under the same provision, again arose in 1829, upon the resignation of the office of governor by Martin Van Buren, and

the powers and duties of the office devolving upon Enos T. Throop, then lieutenant-governor, and were decided the same way by Silas Wright, then comptroller. It will be seen that these questions were identical with that in the present case. We surely shall not go far astray in following the precedents established by these able jurists, wise statesmen, and rigid economists."

The principle on which the second question is to be decided, namely, whether the appellant shall cease to be governor when he ceases to be secretary of state, seems to be this: If an office be appendant, as the expression is in *I. Leon*, §21, to another office, the determination of the first office will determine the second. This is the case where a person holding any office is ex officio entitled to some other office. For instance, in *City of Portland v. Denny* (5 Oreg. 160) the recorder of the city of Portland was ex officio a justice of the peace. In that case the office of justice of the peace was appendant to the office of recorder and determined with it.

On the contrary, if the nomination or appointment to an office be by descriptive persons of one who holds some office by the title of which he is described, and who, on some contingency, is to enter and fill another office, the answering the description at the time the contingency arises designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity. This seems to be the principle which applies when the office of governor devolves on the secretary of state on the happening of any of the events specified in the constitution. That the president of the senate, who holds under a similar title, ceases to be president of the senate when he becomes governor seems evident, for the two offices are incompatible at common law and there is no constitutional implication that both offices shall be held together. It would follow, therefore, that the president of the senate would hold the office of governor, once incumbent, without reference to his office of president of the senate. Now, as two offices may remain distinct which are not incompatible, though the officer is the same person, it would seem that the same principle should govern the holding of the office of governor by the secretary of state.

This question therefore must also be answered in favor of the appellant and judgment be entered accordingly.

Judgment reversed.

Now, the only other branch of the case is one to which I wish to call the attention of the Senate for a few minutes. The Senator from Indiana [Mr. TURPIE], I think, apprehended perhaps better than any of the other Senators what may be called the pinch of the case, and therefore pressed harder home upon the Senate a doctrine from which I utterly dissent, and that is that the Senate can not inquire into this case because each house of the State of Delaware is by the State constitution made the judge of the qualifications and elections of its own members, and that the senate of Delaware had so acted that this matter was res adjudicata, and the Senate of the United States has no power to inquire into it. Indeed, Mr. President, the views of the minority of the committee seem to me to abandon the contention that William T. Watson was not governor of the State of Delaware and therefore could be a senator, and to rely almost wholly upon the supposed doctrine that the Senate can not inquire, because in some mysterious, undefined, vague way the senate of the State of Delaware has passed upon his right to act as a senator and as speaker of the senate, and to enter the joint convention and preside there and vote there and declare there had been no election. That matter has been answered fully by the able Senator from Oregon [Mr. MITCHELL], the chairman of the Committee on Privileges and Elections.

The senate of the State of Delaware never had an opportunity to pass upon that question, according to the testimony in this case, and if it were admitted, which I shall by and by take occasion to deny, and to deny earnestly, that if the senate of the State of Delaware had acted upon it the Senate of the United States would be shut out from making any inquiry, yet the evidence utterly fails to show that the senate of the State of Delaware ever acted on the question as to whether William T. Watson while governor of the State could also act as senator.

Now, what were the facts? As I said in the opening of my remarks, there had been a joint meeting of the members of the two houses in session from 9 o'clock until 11 o'clock on that day. Then there had been a recess of the joint meeting taken until 12 o'clock. At 11 o'clock the senate reassembled, and the speaker elected by the senate when Mr. Watson assumed the office of governor, Mr. Records, presided at the meeting. Bills were passed. The journal does not show that anyone else took the chair. The journal—and I call the attention of the Senator from Indiana to the journal—shows that Mr. Records occupied the chair during the whole session.

Mr. MITCHELL of Oregon. Not only does the journal fail to show that anybody else took the chair, but it shows by the votes taken every few moments that Mr. Records was in the chair and voted.

Mr. PLATT. Yes, and that Mr. Watson was not there. I feel like saying to the Senator from Indiana, from the stress which he laid upon the journal, that I thank him for that word, because the journal not only utterly fails to show that Mr. Watson came to the senate and assumed in the senate to occupy the chair of speaker, but it does show that the chair was occupied by another person who had been chosen to occupy it.

I do not care for the purposes of this case and this argument whether Mr. Watson came at a minute to 12, as the Senate was getting ready to go to the joint assembly and stepped to the chair, or whether he stepped to the head of the procession after it had started for the hall of the house of representatives where the joint meeting was to be held, and marched at the head of the

procession of senators into the joint meeting. In neither case had there been an opportunity for the senate to pass upon the question whether he was entitled to occupy the speaker's chair. It is not claimed seriously that the senate ever did pass upon that question either silently or publicly, either by act or by acquiescence.

Now, admit the whole doctrine that is claimed by Senators on the other side, that if the senate of Delaware had acted, if the senate had passed a resolution saying that the governor had a right to come there and take the speaker's chair, or if the senate had acquiesced in it, the Senate of the United States would be obliged to stultify itself, if it thought otherwise, and say it could not inquire into it. Admit that argument to the full extent, and how is it possible for Senators who claim that this case turns upon that point to say there had been any decision and the matter was res adjudicata? Stand by the journal. That seems to be the sacred thing in the minds of those Senators. The journal does not show it. The affidavits do not show it. No evidence points to the fact that the senate ever had an opportunity to consider whether it would permit the governor to come to the senate and occupy the speaker's chair. If there is any evidence tending to show it, remotely looking to it, I have failed to observe it.

The senate could not act in joint meeting of the two houses. The senate could not pass upon that question after it entered the hall where the joint meeting was held, because it was not a joint convention of the two houses. Suppose a protest had been made. Who would decide it? Suppose some senator had challenged the right of Watson to occupy as speaker of the senate the position of presidency of the meeting. Who would decide it? We have had trouble enough of that sort in the discussion as to who would decide questions which might arise when the two Houses of Congress meet to count the electoral vote. But the two houses did not meet. It was, under the statute, a meeting of the members of the two houses, and there could be no protest made there, and there is nothing in this case which prevents the Senate from looking into it even upon the most extreme claim of the limitations of the power of the Senate made by Senators upon the other side. It seems to me that ought to dispose of that branch of the case, and it does dispose of it.

I have heard—I do not know whether in this discussion or outside—a Senator express the opinion that the fact that Mr. Watson marched at the head of the procession of senators into the joint meeting and presided there without protest would govern his vote. Is there anything in the constitution of Delaware which says that a joint meeting of the members of the two houses or the members of the legislature in joint meeting shall have power to decide upon the qualifications of their members? I think not. If there be not, what matter whether there was a protest or not? What matter whether his right was challenged there? The senate could not decide it. There is no constitutional power in the joint meeting of the members of the two houses to decide it. The protest was made in fact and, as I understand, presented before the final adjournment of the joint assembly. But whether it was made or not, what does it matter even upon the extreme claim put forward here of the powerlessness of the Senate to inquire into the validity of the election of persons claiming to be elected Senators? The senate never passed upon the question whether while Watson was governor he could also exercise the office of senator. The joint meeting could not have passed upon it.

But go a little further, Mr. President, although I wish to say that it is outside of this case. If William T. Watson was governor of the State of Delaware, he could not be senator. If the senate had not passed upon that question, the Senate of the United States is not concluded. The joint meeting could not pass upon the question, and therefore it did not pass upon it, and the Senate of the United States is not concluded from making an inquiry. That, as it seems to me, is all that there is in this case. But I desire to go a little further, as I wish to take this occasion to enter my dissent—

Mr. GRAY. May I ask the Senator from Connecticut a question, in order that I may understand his position thoroughly?

Mr. PLATT. Certainly.

Mr. GRAY. Is it the Senator's position that the Senate of the United States, in any case of a contested election for United States Senator, can pass upon the qualifications and right to a seat in a State legislature of any member of that legislature whose qualifications have not been especially passed upon and made the subject of a judgment by the house to which he belongs?

Mr. PLATT. I shall make that claim very soon.

Mr. GRAY. That is the Senator's proposition?

Mr. PLATT. That is my own opinion, differing, perhaps, from what has been supposed to be the accepted doctrine of the Senate. But I do not think that case arises here. That Watson had been a senator, elected and sworn in, is true. That he could be a senator while governor was not passed upon, was not acquiesced in by the senate. That question arose subsequent to the time when he was permitted to take his seat as senator. Something new had

come in; he had gone into a new office. A new question arose— not whether he was elected as senator and entitled to a seat as senator, but whether as another officer he could act in the senate. That question was never settled either by acquiescence or by direct act or passed upon.

Mr. MITCHELL of Oregon. Suppose, instead of succeeding to the office of governor, he had become insane, and thus in the eyes of everyone absolutely disqualified to exercise the office of senator. In such case the fact that his qualifications as senator had been passed upon away back yonder when he took his seat certainly could not apply to the case, could it?

Mr. PLATT. Oh, no.

Mr. VILAS. Will the Senator from Connecticut permit me to ask him a question? I do not understand the Senator as maintaining, except as a matter of personal opinion, that it is necessary, in order to recognize the judgment of a legislative body, that it shall have expressly passed upon the case.

Mr. PLATT. No.

Mr. VILAS. If a body recognizes a member, suffers him to act, is not that the judgment of the body that he is entitled to be there?

Mr. PLATT. The senate of the State of Delaware never did that. That is what I have been trying to show for the last twenty minutes. There is no evidence to show it.

Mr. MITCHELL of Oregon. He did not himself go back.

Mr. VILAS. The Senator from Connecticut, then, is waiving the legal point and addressing himself to a mere question of fact as he supposes it to be from the evidence?

Mr. PLATT. That is precisely what I was saying; that admitting the doctrine to the full extent claimed even by the Senator from Indiana, there was no opportunity for the senate of the State of Delaware to pass either directly or by acquiescence upon the question whether Watson, as governor, could vote in the senate or go into the joint convention.

Mr. VILAS. Will the Senator allow me to ask him one other question? Does it make any difference during what length of time a body recognizes a person as a member of it? Is it not its judgment so long as it recognizes him?

Mr. PLATT. I would hardly want to say that. I think if I had been a member of the senate of Delaware and William T. Watson at 30 seconds of 12 o'clock had appeared there and pushed the speaker whom the senate had elected out of his chair and occupied it for a space of thirty seconds I should have been too dumfounded and startled to have had my acquiescence had any effect upon the situation.

Mr. VILAS. I am not going to debate that proposition now with the Senator, but I wish to ask him a question. If he had been there and that had taken place and he had not recognized it to have been the usage of a hundred years, would he not have protested against it, and does he not suppose that no protest or objection was made to the speaker's resuming his chair for the reason that it was supposed to be right until the necessities of some hours later raised a question which has found courageous debaters in this body?

Mr. PLATT. Do I understand the Senator from Wisconsin to say that during the whole hundred years any governor had come back and assumed the speaker's chair?

Mr. VILAS. No; he has always been recognized as the speaker exercising the office of governor and entitled to resume his seat when the temporary performance was over.

Mr. MITCHELL of Oregon. That is different.

Mr. PLATT. When the temporary performance was over! Did anybody in the State senate suppose that the time for him to cease the discharge of his duties as governor had arrived? Oh, no. The Senate will not stand on any such very narrow technical application of the doctrine, though the doctrine may be admitted. The record—

Mr. CHANDLER. Will the Senator from Connecticut permit me?

Mr. PLATT. In one moment. The record fails to disclose the fact that he came at all. The weight of evidence is to the conclusion that he did not come at all to the speaker's chair.

Mr. CHANDLER. Will the Senator from Connecticut allow me to ask the Senator from Wisconsin a question?

Mr. PLATT. Certainly.

Mr. CHANDLER. I think under the circumstances it is fair that the Senator from Wisconsin should answer this question, and that is whether he considers the acquiescence by the senate of Delaware, for the time specified and shown in the record, in the return by Governor Watson to the senate and his resumption of the duties to have been an adjudication by the senate of Delaware that he was entitled to continue to act as speaker and senator, which is binding upon the Senate of the United States?

Mr. VILAS. I think just this: The senate did not adjudicate, but it recognized him as a member of its body without question on the part of any other one of the senators there.

Mr. CHANDLER. Now, I ask the Senator what force he gives

to what took place. Does he say, whether it was a judgment or not, or a vote or not, that it gave Watson rights that he would not otherwise have possessed, and that the Senate of the United States is precluded, by what took place at that time, from inquiring whether as a matter of fact and of law he was then speaker of the senate and a senator?

Mr. VILAS. The senate of the State of Delaware was rightfully composed of nine senators, and when the other eight recognized him as the ninth, they made him so de facto, whatever might be the case.

Mr. CHANDLER. The Senator thinks—

Mr. MITCHELL of Oregon. Will the Senator permit me?

Mr. CHANDLER. In one moment. The Senator from Wisconsin, then, thinks that upon that principle, whether or not Watson had the right to come back and act as speaker of the senate or senator, as a matter of fact and of law what took place precludes the Senate of the United States from inquiring into the title. To put the facts as they were, a few minutes before 12 o'clock, having been absent thirty days, never having undertaken to act as senator or as speaker of the senate during that time, he came back and superseded Speaker Records and marched with the senators to the place of joint meeting. Does the Senator from Wisconsin, as a lawyer, give those transactions the force and effect of a decision by the senate of Delaware that gave Watson title as senator, whether he otherwise had such title or not?

Mr. VILAS. I do not say it was an adjudication, but I say it was the recognition of his being de facto senator and speaker, and as the constitution designates it, and not speaker pro tempore.

Mr. CHANDLER. And the Senator from Wisconsin holds, then, that what took place gave Watson a right to vote for United States Senator whether he had the right before he came in and did this thing or not. That is the Senator's proposition.

Mr. VILAS. He was recognized as a member of that body.

Mr. CHANDLER. Does the Senator hold that by so recognizing him it gave him title, whether he had it or not?

Mr. VILAS. If the senate of Delaware recognized him as their ninth member, the Senate of the United States has not a right to say that there was a vacancy in that membership and that but eight were there.

Mr. CHANDLER. I am inclined to think that what I would call an adjudication by the State senate would be binding. The Senator from Connecticut [Mr. PLATT] argues in favor of a broader right of inquiry on the part of the United States Senate. But I wish to bring home to the Senator from Wisconsin and to the Senator from Delaware [Mr. GRAY], who is aching to get into the discussion again, that to say it was a recognition by the State senate of an intruder as senator, who had no right otherwise, unless recognized by the senate and determined by the senate to be one of its members—to say that because Governor Watson came back there under the circumstances stated in this case is the most extraordinary proposition of constitutional law that I ever heard even two Democrats make.

Mr. GRAY. Will the Senator allow me right there?

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me to supplement what has been said before he answers?

Mr. GRAY. No; I would rather not, if the Senator from Oregon will allow me. The Senator has the floor.

Mr. MITCHELL of Oregon. I have not the floor. The Senator from Connecticut [Mr. PLATT] has the floor.

Mr. PLATT. I am not through; but I do not object to interruptions.

Mr. GRAY. I beg the Senator's pardon. I wish to reply to him dum fervet opus, as the Senator used to say when at school.

The proposition upon which we rely on this side of the question now before the Senate is that Mr. Watson, like every other member of the senate of Delaware, having once been admitted as senator and his qualifications and election having been certified to as appears upon the journal, he remains a de facto senator until he is ousted by a judgment of the legislature, and the proposition then is, in the words of Mr. Cushing, which I will adopt as more perspicuous and authoritative than any I could use, as to cases of the character to which I have just referred:

In cases of this kind the existence of the vacancy must be declared by the assembly itself. In cases arising under this and the preceding section there is, in fact, no vacancy until it is so declared or implied by the resolution of the assembly itself.

Until the senate of Delaware had, by resolution or some other action tantamount thereto, declared or implied a vacancy in the seat of Mr. Watson, there was none, and this Senate is not competent to declare such a vacancy.

Mr. MITCHELL of Oregon. If the Senator will allow me right there, that is a different question entirely—

Mr. GRAY. That is the question we are arguing here.

Mr. MITCHELL of Oregon. That is a different question from the one put by the Senator from New Hampshire [Mr. CHANDLER].

Mr. GRAY. Yes; a very different one from the extraordinary position just taken by the Senator from New Hampshire.

Mr. MITCHELL of Oregon. No.

Mr. GRAY. But the one sanctioned by all the authorities is the one I have just put.

Mr. MITCHELL of Oregon. It was argued at length on the other side, and I think by the Senator from Delaware himself, in the able argument he made in this case as to what took place in the senate of the State of Delaware, that if Governor Watson came in and took the chair a few moments before the houses met in joint assembly that was an adjudication of his qualification to sit as a senator, that it was res adjudicata by virtue of what took place there that day. The Senator from New Hampshire desired the Senator from Wisconsin to state whether, in his opinion as a lawyer and as a Senator, what did take place there that day, leaving all other questions out of consideration, and in the absence of any adjudication—Governor Watson would have a right to sit as a senator and whether what took place that day amounted to an adjudication or a judgment?

I say, Mr. President, there are but two kinds of judgments in cases of that character. The one is called actual adjudication, actual judgment; the other is called constructive. Of course it will not be claimed that this was an actual judgment. The only question remaining is, Was it a constructive judgment? It does seem to me that what took place there that day in the few moments that Governor Watson occupied the speaker's chair can not be considered from any possible standpoint as a constructive adjudication of the right of a person who otherwise had no right to be there to sit and act as a senator.

Mr. VILAS. Mr. President, I had not intended at any time to argue this proposition.

Mr. MITCHELL of Oregon. I said from the answer made by the Senator that he would not hold that to be a constructive adjudication.

Mr. VILAS. I rest my opinion of the clear duty of the Senate to reject the claim of Mr. Du Pont to a seat in this body upon a different branch of the case altogether; but since the Senator from Connecticut [Mr. PLATT] was making the discussion he did, I wanted to ask a question as to his view upon the subject; and in response to the Senator from New Hampshire I do wish to say that in such a case as he puts it is of course inconceivable that in a legislative body of the dignity of the senate of the State of Delaware a man with no right, no shadow of right, should be admitted as a member of the body, and take the office of its president or speaker to conduct its proceedings, leading it to a meeting in joint convention with the other house of the legislature, and there to preside for hours unchallenged over that joint convention; and I do say that a recognition of such an important officer as that by such a body as that without a challenge, without a question, was a constitution of that person as, at least, de facto a member of that body.

Mr. CHANDLER. Mr. President, all that is a correct statement of plain constitutional law. There is no doubt that Mr. Watson was once a senator of the State of Delaware. The case starts with that.

Mr. MITCHELL of Oregon. And speaker.

Mr. CHANDLER. He was elected a senator of the State of Delaware and while he was senator he was chosen speaker. The counsel for Governor Watson has taken the pains to put into this case the record of his original election as senator. There was no need of that; that was folly; that fact was not disputed. No one has denied that there was a senate of Delaware with nine members, and that William T. Watson was one of the nine.

Mr. VILAS. It was never otherwise adjudicated, was it?

Mr. CHANDLER. There never was any resolution that he was entitled to his seat. I grant that where a senator takes his seat in the beginning of a session and remains continuously in his seat, without his right being disputed, there grows up a recognition that fairly may be called an adjudication. The Senator from Oregon has stated that not only here and now but has stated it in his report.

But this is the point to which I am coming. Mr. Watson having been unquestionably senator, having been unquestionably speaker of the senate, became governor by the death of Governor Marvil, and the whole claim, the whole contention in this case that has occupied the attention of the Senate in this relation, has been that when Watson became governor, took the oath of governor, and left the senate chamber and acted for thirty days as governor, he ceased to retain the power to act as senator; and we have pointed to the fact that not in a hundred years of the life of the State of Delaware under the constitution has any such governor ever undertaken to act as senator while he was governor; and the contention on our side is that any act as senator of a governor while he is governor is null and void. That is our contention.

Mr. VILAS rose.

Mr. CHANDLER. Shall I yield to the Senator?

Mr. VILAS. I should like to ask the Senator a question. Do I understand him that he still remains a senator, but without the power to act as such?

Mr. CHANDLER. I will answer that question a little later, if the Senator will allow me. We will get through with one question first.

Mr. VILAS. Certainly.

Mr. CHANDLER. When Governor Marvil died, there was no doubt Governor Watson was senator and speaker of the senate, and there is no need of proving that he had been originally elected. He was a senator and speaker of the senate, and he became governor; and we say he became disqualified from acting as senator while he was governor, that he could not act as governor and act as senator at the same time. The proposition of the other side I understand to be this: The proposition which the Senator from Wisconsin made a little while ago was that even if Watson ceased to be senator, or ceased to have the right to act as senator, so that he was without title and without right to act from the time he became governor down to the time when he entered the joint assembly, yet the fact that he entered the senate chamber a few minutes before 12 o'clock, took his seat in the speaker's chair, and went with the eight senators to the joint meeting, was a recognition of Watson as having a right, of his being a senator and having a right to vote as senator, which is conclusive upon the Senate, and gave him the right to cast that vote whether he otherwise possessed it or not. That was the proposition of the Senator from Wisconsin, for he stated distinctly that he held that a recognition of the right of Watson to vote made by the State senate gave him the right to vote whether he otherwise had the right to vote or not, and the senate was precluded from inquiring as to whether he had the actual right or not. That is the contention on the other side, which I characterize, with all due respect, as absurd.

It can not be, if Watson by being governor was disqualified as senator, that the senate determined and decided and adjudicated that he had resumed and had the right to resume his functions simply by what took place in this case, and which has been cited to us all through the debate by the other side as a recognition of Watson's right by the senate, which made his right to act res adjudicata, so that his right can not be any further inquired into.

Mr. VILAS. If the Senator from Connecticut will allow me one moment, I am not going to undertake to state or argue the proposition which has been so very ably argued by other Senators; but in respect to the point as to which the Senator from New Hampshire has with so much force presented the views he entertains, I think he does not yet apprehend the point as they make it. Their point is that, being once a senator, and the title he had as a senator having been once established by recognition to the extent that the Senator says it was unnecessary to prove it, his right continued until there was a judgment of that body that there was a vacancy; and he states that that is based upon a proposition very clearly stated by the distinguished chairman of the Judiciary Committee of the Senate, the Senator from Massachusetts [Mr. HOAR], whose judgment upon a point of law we all respect, in the words quoted by the Senator from Delaware in his remarks. Speaking of those who were received and recognized without special adjudication of their right to a seat, he said:

Their title is not, as is sometimes carelessly said, a prima facie title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place.

The point that is made here, not to undertake to argue it, is that, being there rightfully, he remained a senator until that body had adjudicated a vacancy; and that, instead of adjudicating a vacancy as against him, they recognized him as being there still, as he had been during the portion of the session of the legislature previous to that time, except when temporarily absent.

Mr. PLATT. Mr. President, let us see to what conclusion this argument of the Senator from Wisconsin leads us. There is no force in the argument when it is admitted that Mr. Watson could not, under the constitution of the State of Delaware, be a senator or speaker of the senate. The claim concedes that; but then the claim is made that, it being conceded that the constitution of the State of Delaware says that being governor he could not be senator, yet that office remained open there for him until the senate of Delaware by solemn act declared that it was vacant, and that, although the constitution of the State of Delaware says that he could not come there and be a senator, yet he could come there and be a senator, because the senate of the State of Delaware had not declared the office vacant.

Was ever anything forced to a greater length to save a bad case? Just think of what this position is. Just imagine that the United States Senate is going to give a man a seat, or withhold it from him, upon this argument, this claim as now made. A man who could not vote under the constitution of the State of Delaware voted, and thus defeated the election of the claimant. He was governor of the State, and therefore he could not vote; but the Senate can not look into that at all! It can not inquire whether he could vote, because he came into the senate and assumed the office of speaker one, two, or three minutes before it started for the joint convention; and although there was the constitution plainly against his

doing so, yet because senators sat still and did not protest, therefore the senate of the State of Delaware recognized his power and right to perform an unconstitutional act, and the Senate of the United States is bound by it! That is the contention, and I insist that I never knew a more remarkable one.

Upon the other branch of the case, if they say he was not governor, there they find standing ground, poor though it be; but if it is admitted that he was governor, then he could not be a senator, and it makes no difference, with our power and our right and our duty, whether the senate of the State of Delaware said he could be or not. But certainly no acquiescence, no failure to protest, no failure to declare the seat vacant, can bind the Senate of the United States and defeat the claim of Mr. Du Pont to a seat in the Senate.

Just look for one moment more at this claim. The Senator from Wisconsin says, in effect, if Mr. Watson was governor and could not vote, then he was a usurper, and asked, Would the senate have tolerated a usurper there? But if he was governor and could not vote, the senate did tolerate a usurper there, according to his doctrine, because the senate did not protest; did not then and there in a minute and a half pass a resolution that he could not sit and did not exercise the force of the sergeant-at-arms to tumble him out of his chair. If he had no right there he was a usurper; and yet the claim is put here gravely in the Senate of the United States as a proposition of law to decide this case, that because a usurper sat there and no protest was made and he was not tumbled by force out of the speaker's chair, therefore he had a right to be there, though a usurper.

Mr. VILAS. Suppose they recognized him?

Mr. PLATT. Suppose they did recognize a usurper, suppose there had been a contest going on as to the right of a senator to sit there, a senator who had been admitted, and there had been a case of contest all through that session which had not been decided, and suppose on this last day, as the senate started for the joint meeting, that the contestant came there and by force ousted the senator who had sat there all through from his position in the line, and took it and went into the joint convention and sat there and, as the Senator says, was recognized, would that have made his vote legal? Would it have concluded the senate from inquiring into it? I never heard of such a doctrine, Mr. President.

Mr. VILAS. Nobody claims any such doctrine as that.

Mr. PLATT. It is the same thing.

Mr. VILAS. No.

Mr. PLATT. They were to acquiesce when the man claimed a right to the seat?

Mr. VILAS. Acquiesced in superior force.

Mr. PLATT. But, Mr. President, as to this doctrine of estoppel—I should not call it that, because estoppel is based upon the conduct of the party estopped, and the Senate has done nothing by which it can be estopped from inquiring into the qualifications of the persons voting—but this doctrine that the Senate is precluded from inquiring into the right of persons in the legislature to vote has never until now, except in the single dictum in the Turpie case, been carried to an extent which makes the doctrine at all troublesome in this case. It has never been seriously claimed until now, I think, even if a person who was not entitled under the constitution of the State as a matter of law to cast his vote in the election of Senator, and was permitted in one branch of the legislature to cast that vote, that the Senate of the United States was precluded from inquiring whether he had a constitutional right to vote. I have never heard that doctrine in the Senate. It goes away beyond anything that the Senate has ever said or that any of its committees have ever declared, unless it be in the Turpie case, to which I shall refer.

It can not be in the nature of things, Mr. President, that the Senate may not inquire whether persons casting votes in the election of a Senator in a legislature had the constitutional right to cast those votes, when that question has not been positively determined and adjudicated by either branch of the legislature. That is what we are asked to do here.

The case all turns upon the question whether William T. Watson, governor of the State of Delaware, could, under the constitution of the State of Delaware, cast a vote when the election for United States Senator was taking place. It has never been decided by the senate of Delaware, nor by a joint meeting of the members of the two houses of the State of Delaware, that he could; and yet Senators on the other side say the Senate of the United States can not inquire into it; and if the vote changes the result, that we have got to submit to it. The doctrine never has been pushed to that extreme before, Mr. President. I think it has been pushed very far—very much further than I assent to.

I could safely leave this case, and I can leave it, and do leave it, so far as its merits are concerned, upon the right of the Senate to determine whether under the constitution of the State the vote of Mr. Watson was a legal vote, when neither branch of the legislature nor the joint meeting of the members of the legislature had decided otherwise. It is not necessary to say that we are not con-

cluded by questions of fact or mixed questions of fact and law. Manifestly this Senate has power enough to determine this question for itself when it has not been definitely settled and determined by the legislature, or either house of the legislature; and that disposes of this case.

But, while I am upon it, I want to ask, before I leave this Senate, an opportunity to enter my protest against the doctrine that there is any limitation whatever upon the right and power of the Senate to determine the election of its own members, or persons claiming to be its members. The Constitution of the United States gives the Senate that power. In what I now have to say, I speak for myself; I do not know whether or not what I say represents the views of any other member of the Senate.

Section 5 of Article I of the Constitution of the United States provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

Is there any limitation upon that power in the Constitution? We are to judge of the elections of our own members; and yet Senators say if a legislature in either house has determined that a man who, under the constitution of the State, had no right to vote, may vote, that we are bound by it, that we can not inquire, no matter how plain the proposition may be, no matter whether the action of the house has been ignorantly taken, or willfully taken, or taken for the purpose of defeating or producing an election, it is the act of the legislature, or one house of the legislature, recognizing the right of a man to vote, and, therefore, we must accept the man who comes to us elected by that vote or fail to seat the man who comes to us defeated by that vote. In other words, it is a proposition that though the vote was illegal, we are so limited in the exercise of our power to judge of the elections of our members that we are bound to accept an illegality, because, forsooth, that illegality has passed without contradiction, or has been accepted by one branch of the legislature of the State.

Is there a limitation upon the power of this Senate to determine the elections of its own members? Where is it to be found? Not in the Constitution of the United States, even by implication; yet we are gravely told that because a State constitution allows either branch of the legislature of that State to be the judge of the qualifications of its own members, we can not be the judge of the elections of our own members, so as to inquire whether the votes cast for them were under the constitution and laws of that State legal or illegal.

Mr. MITCHELL of Oregon. I should like to state in this connection that so far as I am concerned, I agree that the Senator from Connecticut is entirely right in his construction of that clause of the Constitution. There certainly is no limitation or qualification in connection with it. The grant is broad, absolute, unconditional. The limitation, however, that has been placed upon it is simply one which has grown up in practice in the Senate; that is all.

Mr. PLATT. Not all under the Turpie case.

Mr. MITCHELL of Oregon. Not all under the Turpie case, but in other cases the practice has been different. I believe it is pernicious; I believe it is erroneous; but as one member of the Senate and as one member of the Committee on Privileges and Elections I have been disposed to follow it.

Mr. PLATT. Mr. President, what I am claiming now does not affect this case. I state it because there is an opportunity, and I think an occasion, for stating it. To go on. What is an election? We are the judges of the elections of our own members. What is necessary to constitute an election? To constitute an election it must be found: First, that the claimant received upon the deciding vote a majority of the persons present and entitled to vote. That is positive. Second—and this is negative—that the result was not changed or affected by the presence and voting of persons not entitled to vote by bribery, violence, or the prevention of voting by persons who were entitled to vote. That constitutes an election. There can be no election unless a person has received a majority of the votes of the persons present upon the deciding vote and entitled to vote. There can be no election if a person was present upon the deciding vote who was not entitled to vote and was suffered to vote, and his vote changed the result.

Mr. MITCHELL of Oregon. Or if his vote has been purchased.

Mr. PLATT. And the rule is just. There is no distinction to be made in a case where a person was present voting who had no right to vote, and the case of bribery and corruption, or of intimidation or violence to prevent a person from voting who was entitled to vote.

Mr. HILL. Will the Senator from Connecticut allow me a moment?

Mr. PLATT. Yes; I will.

Mr. HILL. I want to see if I can comprehend the argument of the Senator. In a State legislature, where there is one contested seat, the question arises whether a member of the legislature is elected or not. The constitution of the State gives the legislature the power to determine that question. The legislature proceeds and determines that question. It turns out one member of the

legislature and admits another, and upon that question hangs the point as to whether a United States Senator was elected or not. Does the Senator mean to say that under the Constitution of the United States this Senate can review that question thus properly determined by the State legislature? Does the Senator go to that extent? There is no question of legality about it. It is a question of evidence. It is a question of evidence submitted to that legislature and determined by that legislature and which the legislature had the power to determine. Does the Senator say that we can review that question and overrule it? It is to that extent, involving the question of the determination of evidence, not a question of law. I want to see to what extent the Senator goes, so that we can understand his argument.

Mr. PLATT. I hold that there is no limitation whatever on the power of the United States to determine whether any and every vote cast for a Senator or against him was a legal vote under the laws and constitution of the State where the election took place. That is as far as I need to go.

Mr. HILL. How would the Senator answer the proposition that I made?

Mr. PLATT. I do not believe, if the Senator desires a categorical answer, that there is any limitation whatever on the power of the Senate in determining the question of the election of its members. As a question of power and right I hold that there is no limitation whatever; but I freely admit that it is a power which should be exercised with caution and discretion and not arbitrarily, and that upon disputed questions of fact arising in the question of the election of members of a legislature or in the conduct of a legislature in seating or unseating a man, showing a fair question of doubt, it would be impolitic and unwise on the part of the Senate to exercise the power which the Constitution commits to it.

Mr. HILL. And would the Senator go to the still further extent of determining the question as to the legality of the votes given for the member of the legislature originally?

Mr. PUGH. In each precinct.

Mr. HILL. In each precinct?

Mr. PLATT. They do it in the House of Representatives, and by virtue of the same clause in the Constitution.

Mr. HILL. That is a different question. That does not involve this question at all.

Mr. PLATT. That is not an answer, does the Senator say?

Mr. HILL. No. There the people are electors and elect the Representatives; here the legislature elects.

Mr. PLATT. I will come to that argument in a moment. So far as the power is concerned, I say yes; so far as the propriety of it is concerned, I say that the Senate must be governed by the cases which arise.

Mr. HILL. Does not the Senator think that the precedents are all in favor of not exercising that power, if it exists?

Mr. PLATT. There is only one single precedent.

Mr. HILL. Is not that a good one?

Mr. PLATT. No.

Mr. HILL. Does not that commend itself to your judgment?

Mr. PLATT. Not at all; and it will not to the Senator's judgment when I call his attention to that precedent.

Mr. HILL. Do you think it wiser to leave the whole question open and always to be exercised?

Mr. PLATT. I think the most dangerous thing that can be done for the existence of the integrity and purity of this body—

Mr. HILL. I have that confidence in the chairman of the Committee on the Judiciary—

Mr. PLATT. Of the integrity and purity of this body is so to administer the constitutional provisions that we are the judges of our elections so that our hands are bound and that we can not look into anything which a legislature does with reference to the seating or unseating of its members. There can be no doctrine which is more dangerous than that; and the course of legislatures in these last years shows that we must call a halt in the direction which we have been going.

Now, the Senator from New York puts an extreme case where it would appear to be, and I admit would be, impolitic for the Senate of the United States to go into the question. I want to put the other extreme case. Suppose a legislature, being equally divided, or nearly so, one political party having a single majority in a joint meeting, one branch of the legislature, being in position to do it, on the morning of the last day when the members of the legislature must go into joint convention, arbitrarily unseats two of its members and thereby changes the result. They having decided on the right of the parties to vote, am I to be told that under those circumstances, because the legislature is the judge of the qualifications of its own members and has arbitrarily and for the purpose of affecting the result expelled two men, and therefore changed the result of that election, our hands are tied here by the provision in the State constitution? Am I to be told that there is a limitation upon our power, and that we can not investigate it? There is a whole line of occurrences which may

take place in a legislature relating to the seating of members, to the admission of members, and the only ground upon which it is safe to stand is that there is no limitation upon our power to determine whether the votes cast in the election of Senators are legal or illegal, but that we should exercise a wise and a prudent discretion as to how far we should go.

Mr. HILL. The State legislature, then, if I may interrupt the Senator, has the unlimited power to determine the question of membership, subject, as far as the election of Senators is concerned, to be overruled by the Senate of the United States. That seems to be where the logic of the argument is.

Mr. PLATT. Why not? For what?

Mr. HILL. Because the State legislature, by virtue of its constitution, is given the sole power to determine the question. That is the reason.

Mr. PLATT. Is no power given to the Senate of the United States?

Mr. HILL. That is one of the rights and powers of the State reserved.

Mr. PLATT. Is no power given to the Senate of the United States by the Constitution of the United States—

Mr. HILL. Yes; to determine—

Mr. PLATT. When a legislature of a State has set up its arbitrary will as to who shall vote for its Senators in its State? Does the Senator go so far as that?

Mr. HILL. The States have that power.

Mr. PLATT. The Turpie case goes as far as that. I admit that case is against me. The Turpie case says, if I understand it, that where it was charged that a person usurped the position of a presiding officer, took away from the man entitled to occupy that position his seat and occupied it as a usurper, and by his vote and action changed the result, although if it were true that if it was done it was a crime the Senate could not inquire into it. I do not believe, Mr. President, that the Senate on reconsideration is going to push the doctrine to that extent. Bribery is a crime. It vitiates an election, or it ought to do so. But suppose the legislature allows the bribed man to vote, knowing of the bribery; or, as the Senator from Wisconsin would say, all the members knowing of the bribery, nobody stands up at the time of the vote to say that the man is bribed, and therefore his vote must be received, and the determination of the legislature as to the qualification and election of its members must determine that question.

Mr. HILL. Will the Senator from Connecticut allow me just one further question?

Mr. PLATT. Certainly.

Mr. HILL. Suppose the whole legislature has elected itself by bribery?

Mr. PLATT. There has never been a claim but that the Senate could investigate the question as to whether there was a legislature or whether there was such fraud as vitiated the entire composition of the legislature. It has never been denied that the Senate could then inquire, though the right of inquiry in such case has been predicated on the power and duty of the Senate to determine whether there was a legislature.

Mr. HILL. Is not that the legislature, the regular legal de facto legislature, for every purpose of enacting laws, for every purpose of electing a United States Senator, and could the laws be attacked or could the title of the Senators elected be attacked?

Mr. PLATT. For the purpose of enacting laws, yes; for the purpose of electing a United States Senator, no.

Mr. HILL. In other words, does the Senator mean to assert the doctrine that if the legislature had been entirely elected by more or less bribery, and the legislature proceeds to enact law, there is any proceeding known to the world by which those laws could be declared illegal and set aside and held for naught?

Mr. PLATT. I hope that I shall have an opportunity during this session in the Alabama case to argue the question which the Senator now presents.

Mr. HILL. I do not understand that it arises in the Alabama case.

Mr. PLATT. In that case it is claimed that the entire legislature was elected by fraud. There is no difference between bribery and fraud in that respect. While I would admit that that legislature was competent to enact laws for the State, I would deny that such a legislature was competent to elect a United States Senator.

Mr. HILL. And those laws would be conclusive upon everybody, would they not?

Mr. PLATT. In the State, undoubtedly.

Mr. HILL. Upon everyone?

Mr. PLATT. In the State, undoubtedly; but this is a question which reaches outside of the State.

Mr. HILL. And those laws would be binding upon the United States, so far as the State has a right to enact legislation?

Mr. PLATT. Mr. President, this doctrine grew up out of the extreme contention of the State-rights men that a State was a sovereign power.

Mr. HILL. I trust the Senator does not wish to have the Senate understand that the honorable and learned chairman of our Judiciary Committee, the Senator from Massachusetts [Mr. HOAR], is rather an extreme State-rights man. That would be certainly news to Massachusetts and news to us.

Mr. PLATT. The Senator scarcely allows me time to finish a sentence. If he has any criticisms to make on the Senator from Massachusetts, the Senator from Massachusetts can answer them.

Mr. HILL. I have no criticism to make.

Mr. PLATT. As I was going on to say, this doctrine grew up out of the idea that the State was sovereign.

Mr. HILL. Is not that so?

Mr. PLATT. No.

Mr. HILL. Is not the State sovereign?

Mr. PLATT. No.

Mr. HILL. Within its sphere?

Mr. PLATT. Yes. But the old idea was that the State was sovereign in all things, and especially in the matter of electing United States Senators. I have stood here upon the floor of the Senate and heard Senators speak of Senators occupying seats here as ambassadors from the States. In this connection I will call attention to the argument of a distinguished son of New York who was a Senator before the present Senator from New York, a name that I think he will recognize as that of one of the ablest lawyers of the State of New York, Silas Wright. When this doctrine was first broached in the Senate of the United States, I think he made the complete argument in answer to it, and the Senate would have done well if it had held to the doctrine which, although he was in the minority in the case of *Potter vs. Robbins*, he laid down so well as the rule which should govern the Senate in relation to the matter of judging the election of its own members.

Mr. HILL. The Senate decided otherwise, did it not?

Mr. PLATT. Oh, yes. I heard the Senator from Mississippi [Mr. GEORGE] take a quarter of an hour or twenty minutes in commenting upon the great abilities of the men who composed that committee, and he did not omit to speak, though he did not dwell upon it to the same extent, of the great ability of Senator Wright. As often happens in a case, the dissenting opinion in that report, looked at in the light of the lapse of years, is by far the better opinion. The case did not necessarily turn on that question. I do not think the case turned at all on that question. It seems to me to have turned on the question whether an act passed by the legislature of the State of Rhode Island was to prevail against its charter. The claim was set up that the charter of the State was to determine the question, although an act had been passed which extended the period of the time of the session of the legislature. I have no doubt that the question turned upon that feature of the case.

Now I wish to call attention to what Mr. Wright said. I may have to read a little more than I had intended to read. This is from the views of the minority as expressed by Silas Wright, jr.:

The Senate, by the Constitution, is made "the judge of the elections—

Emphasizing the word "elections"—

returns, and qualifications of its own members," and can it, under this power, look into these facts to determine which of the persons claiming the seat as a Senator from Rhode Island is entitled to represent that State in this body?

No question appears to the undersigned to be raised as to the "returns" or "qualifications" of either of the claimants, and he therefore considers that the question of "election" is the only one presented for decision. This question the Senate has the power to determine, because it is made "the judge of the elections" of its own members. The facts in this case show that the legislature of the State of Rhode Island declare, in the solemn form of a law of the State, that Mr. Robbins has not been elected to the Senate; that the proceedings from which his commission proceeded were "null and void, and of no effect," because the body taking them were not authorized to elect a Senator, and that the place was "vacant" at the time when this declaration was made. Still, notwithstanding this solemn declaration by a body conceded to be the legislature of the State, Mr. Robbins produces to the Senate, and there is referred to the committee, a commission in due form, according to the laws and the practice of the government of Rhode Island, to show that Mr. Robbins had been duly elected a Senator to represent that State in the Senate of the United States. Will the Senate look behind this commission to determine whether or not it was properly granted? The undersigned believes that it is not only the right but the duty of the Senate to do so. The commission is only the evidence of the election of a Senator, and if the Senate were to limit its inquiries to the proper form and authentication of the commission it would only make itself the judge of the evidence of an election, not the judge of the election itself. The undersigned supposes that the evidence of an election to an office is, in all cases, prima facie only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election—

I want to repeat that sentence—

The undersigned supposes that the evidence of an election to an office is, in all cases, prima facie only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election; he therefore supposes that the regularity of the evidence of an election may be one thing and that the election may be a very different thing; and he concludes that, as the senate is constituted not the judge of the evidence of the elections of its members only, but "the judge of the elections" of its members, it may and, in all cases of a contested election where the contest does not arise as to the regularity of the evidence simply, should look behind the evidence and into the election itself, that it may determine what it is constituted the judge to determine, the fact of election, or, in other words, that it may determine whether the prima facie evidence laid before it is the real evidence of facts or is subject to contradiction by the facts.

The terms of the Constitution would seem to confirm this construction of the powers of the Senate. It is "the judge of the elections, returns, and qualifications of its own members." The "returns" must refer to the commissions or other evidences of election of the members of this body as separate from the "elections" or "qualifications," and of the "returns" the Senate is the judge. Again, the "qualifications" must relate to the age, citizenship, residence, and other personal qualifications of the person elected, and of these "qualifications" the Senate is also the judge; and these are matters to be determined separate from the "elections" and "returns." So also the Senate is the judge of the "elections" of its members as separate from the "returns and qualifications." The three enumerations would seem to be separate subjects, upon each of which the Senate is to judge in the performance of its constitutional duty; and as a judgment upon the returns is made a separate matter from a judgment upon the election, the inference would seem to be irresistible that an examination behind the returns was contemplated, that a judgment upon the election, independent of the return, might be formed.

Against this construction of the constitutional powers and duties of the Senate the majority of the committee interpose objections which are of a consequential character mostly, but which will be considered. The committee say—

What? Not that we could not inquire, not that the Senate had no power to inquire, but—

"it would be a dangerous exertion of power to look behind the commission for defects in the component parts of the legislature, or into the peculiar organization of the body for reasons to justify the Senate in declaring its acts absolutely null and void. Such a power, if carried to its legitimate extent, would subject the entire scope of State legislation to be overruled by our decision, and even the right of suffrage of individual members of the legislature whose elections were contested might be set aside. It would also lead to investigation into the motives of members in casting their votes, for the purpose of establishing a charge of bribery or corruption in particular cases."

Mind, the majority of the committee do not deny the power. They say the exercise of it would be dangerous.

Reserving for the present the consideration of the extent to which the consequences of adjudging any act unconstitutional, or illegal, or invalid may be properly used as an argument against such an adjudication, the undersigned respectfully suggests that, in his judgment, the consequences here mentioned do not necessarily follow the decision apprehended. He understands it to be a necessary rule of all legislative bodies empowered to judge of the "elections, returns, and qualifications" of their own members that the person presenting the prima facie evidence of membership is allowed to take his seat, and is fully authorized to act until such prima facie evidence of right is overruled by the judgment of the body; and he never heard it doubted or questioned that the votes of a member so sitting were as valid for all purposes as the votes of a member whose seat was not contested and whose right to a seat was not questioned. Indeed, if it were not so, the admission of a member to a seat in a legislative body until his election, return, and qualifications had been definitely adjudged would be an absurdity. It would be the admission into the body of a voter who might, by the adjudication of the body itself, vitiate its whole proceedings.

So also in the case supposed by the majority of the committee of alleged bribery and corruption. The undersigned has always supposed that a member of a legislative body who should accept a bribe was punishable for the crime, but he has never understood, nor does he now understand, that the vote of the member given under the corrupt influence vitiated the proceeding voted upon or rendered either void or voidable by legal adjudication such proceeding. The member bribed is still constitutionally and legally a member of the body notwithstanding his corruption, and retains all his rights and all his powers as a member until conviction for the crime ousts him from his seat.

Again, the majority of the committee say "such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States. It is a general principle of national law applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution. No government has a right to intrude into the domestic affairs of another State, and attempt to influence its deliberations, or to control its action.

The paragraph just read is from the majority of the committee. Now, Senator Wright proceeds:

These principles may be perfectly sound when applied to nations wholly disconnected with and independent of each other; but the undersigned respectfully submits that they can not be applicable to governments related to and connected with each other, as are the governments of the States of this Confederacy and the Federal Government, of which the States are component parts.

Senator Wright had not yet come to regard our country as anything more than a confederacy and a Federal Government, and yet he had got far enough to deny the doctrine that because a State undertakes to determine the question as to who shall vote for United States Senator the United States Senate can not look into it.

And especially when the question is the proper representation of the State in that branch of the Federal Legislature where its sovereignty is represented in the particular manner pointed out by the Federal Constitution. Upon such a question that instrument, and not the general principles of international law, must govern the decision. We have already seen that the Constitution makes it the duty of the Senate to judge of the "elections" of its members.

What follows refers to the legality of the legislature.

Mr. MITCHELL of Oregon. It is pretty warm, and I ask whether it will be convenient to the Senator from Connecticut to finish his argument in the morning?

Mr. PLATT. It will be.

Mr. MITCHELL of Oregon. Then I ask that the Du Pont case may be laid aside until to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHANNON, Mr. BABCOCK, and Mr. COBB managers at the conference on the part of the House.

The message also announced that the House had agreed to the resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct an error in the enrolled bill (S. 2488) to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

JOHN BREITLING.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2119) for the relief of John Breitling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Breitling, of Nebraska, \$738.25 for commissary stores furnished to United States troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that the Senate shall devote thirty minutes to the consideration of pension bills on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. CHANDLER. I do not desire to object, but I wish to have it understood that no other business than pension bills shall be transacted during the remainder of the afternoon.

Mr. PASCO. I have a bill which I desire to call up.

Mr. CHANDLER. Let it come in before the pension bills are considered. Let it be understood that after the pension bills are disposed of no other business is to be transacted.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire [Mr. GALLINGER]? The Chair hears none.

ARREDONDO GRANT, FLORIDA.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla., to report it favorably. It is a matter that relates to our State, and I ask that it may receive immediate consideration.

Mr. GALLINGER. If it does not lead to any debate I have no objection.

Mr. PASCO. I will withdraw it if it leads to debate.

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

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

JEFFERSON FUESTON.

Mr. MITCHELL of Oregon. I ask the Senator from New Hampshire [Mr. GALLINGER] to allow me to call up a pension bill, but not in the regular order, as I can not remain. It is only four lines long.

Mr. GALLINGER. All right; I yield for that purpose.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of the bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Jefferson Fueston, late of Company M, Tenth Ohio Volunteer Cavalry, a pension at the rate of \$30 per month, in lieu of the pension he is now receiving.

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

MONUMENTS TO GENERALS NASH AND DAVIDSON.

Mr. BUTLER. I ask unanimous consent, with the permission of the chairman of the Committee on Pensions, to call up joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina.

Mr. VILAS. Is there not a unanimous-consent agreement that the pension cases shall be taken up in their order?

The VICE-PRESIDENT. That was the agreement of the Senate. The Chair recognized the Senator from North Carolina to make the request.

Mr. BUTLER. I ask permission of the chairman of the Committee on Pensions to have the joint resolution taken up.

Mr. VILAS. Are we executing the unanimous-consent agreement, or what is the arrangement? I understood pension bills were to be considered.

Mr. GALLINGER. I am not quite sure that under the agreement I can yield for other business. I should like very much to accommodate all Senators, I will say.

Mr. BUTLER. This a very short measure. If it leads to any discussion I will withdraw it.

Mr. GALLINGER. If there is no objection I will yield for the consideration of the joint resolution, but after that I shall insist upon the regular order, although several other Senators wish me to yield to them.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate \$5,000 for the erection of a monument in honor of the memory of Brig. Gen. Francis Nash, of North Carolina, and the further sum of \$5,000 for the erection of a monument in honor of the memory of Brig. Gen. William Davidson, of North Carolina.

Mr. BUTLER. At the request of a member of his family, I wish to move to amend the name of Brig. Gen. William Davidson by inserting after "William" the name "Lee"; so as to read "Brig. Gen. William Lee Davidson."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. BUTLER, the title was amended so as to read: "A joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina."

SARAH COMLY.

Mr. GALLINGER. I call for the regular order.

The VICE-PRESIDENT. The first pension bill on the Calendar will be proceeded with.

The bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly, was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. GALLINGER. The bill has been read at length, and the Senator from Nebraska [Mr. ALLEN] offered an amendment which I trust he will withdraw.

Mr. ALLEN. I think I will withdraw the amendment at this time.

Mr. GALLINGER. Let the committee amendments be stated.

The SECRETARY. The Committee on Pensions reported, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty-five"; and in the same line, after the word "month," to insert "the same to be in lieu of the pension now drawn by her"; so as to make the bill read:

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 Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of \$35 per month, the same to be in lieu of the pension now drawn by her.

The VICE-PRESIDENT. The amendments were agreed to when the bill was formerly under consideration.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly."

SILAS M. STEVENS.

The bill (S. 2931) granting an increase of pension to Silas M. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and to grant him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. LUTHY.

The bill (H. R. 4712) granting a pension to Margaret A. Luthy was considered as in Committee of the Whole. It proposes to place on the pension roll at \$8 per month the name of Margaret A. Luthy, widow of Franklin Luthy, late of Lieutenant Allen's detachment of recruits, Missouri Mexican Volunteers.

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

THOMAS HOLADAY.

The bill (H. R. 2326) granting a pension to Thomas Holaday was considered as in Committee of the Whole. It proposes to place on the invalid pension roll the name of Thomas Holaday, late a private in Company C, Kimball's regiment Missouri Volunteer State Militia, at \$24 per month.

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

GEORGIANNA C. HALL.

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, was considered as in Committee of the Whole. It proposes to increase the pension allowed under the act of January 29, 1887, to Georgianna C. Hall, as the widow of William Hall, of Company B, Third Louisiana Volunteers, in the Mexican war, to \$12 per month.

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

CAROLINE A. HOUGH.

The bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, was considered as in Committee of the Whole. It proposes to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, and to grant her a pension of \$30 per month in lieu of the pension of \$17 per month which she is now receiving.

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

Mr. CULLOM subsequently said: I understand that the rate fixed by House bill 2604 is \$30. The rule has been to give widows of generals of General Hough's rank \$50. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CULLOM. I move to amend the bill by striking out "thirty" and inserting "fifty" before the word "dollars," in line 7.

Mr. HAWLEY. The proposition is to make it \$50?

Mr. CULLOM. Yes.

Mr. HAWLEY. I should like to know something about that, because we are striving to get what we can for some of these poor people.

Mr. CULLOM. General Hough was a general in the Army, a splendid soldier, and he happened to live in Illinois, and that is the only reason why the rate should not be \$50 that I have ever heard of. I want his widow to fare as well as the widows of other men of the same rank and service in the Army.

Mr. HAWLEY. I have no objection.

The PRESIDING OFFICER (Mr. HILL in the chair). The question is on agreeing to the amendment submitted by the Senator from Illinois [Mr. CULLOM].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

KATE GRANT.

The bill (H. R. 3607) to increase the pension of Kate Grant was considered as in Committee of the Whole. It proposes to increase the pension of Kate Grant, widow of the late Capt. Charles E. Grant, of Company F, Fortieth Regiment New Jersey Infantry Volunteers, to \$20 per month, in lieu of the pension now received by her.

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

CHRISTIANA C. QUEEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "admiral" and insert "rear-admiral"; and in line 8, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Christiana C. Queen, of Washington, D. C., widow of Walter W. Queen, deceased, late rear-admiral, United States Navy, and to pay her a pension at the rate of \$75 per month from and after the passage of this act, in lieu of the pension which she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Christiana C. Queen, widow of Walter W. Queen, rear-admiral, United States Navy."

MARY E. ELY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2133) granting a pension to Mary E. Ely, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a brigadier-general of the United States Army" and insert "lieutenant-colonel Eighth Michigan Volunteers"; in line 9, before the word "dollars," to strike out "fifty" and insert "thirty"; and in the same line, after

the word "month," to strike out "from and after the passage of this act"; so as to make the bill read:

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 E. Ely, widow of Ralph Ely, late a lieutenant-colonel Eighth Michigan Volunteers, and pay her a pension at the rate of \$30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET CUSTER CALHOUN.

The bill (S. 2954) to increase the pension of Margaret Custer Calhoun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Custer Calhoun, widow of Lieut. James Calhoun, late of the Seventh United States Cavalry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY JANE LYNN.

The bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier, was considered as in Committee of the Whole. It proposes to place upon the pension roll at \$12 per month the name of Mary Jane Lynn, the daughter of John R. Lynn, who served as a private soldier from the State of Pennsylvania, under General Wayne, in the war of the Revolution.

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

ELIJAH N. PARKHURST.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1946) granting a pension to Elijah N. Parkhurst, which had been reported from the Committee on Pensions with amendments, in line 4, after the word "rate," to strike out "paid for loss of both legs" and insert "of \$72 per month"; and in line 7, after the word "Cavalry," to insert "in lieu of the pension he is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$72 per month, the name of Elijah N. Parkhurst, late private Company A, Ninth Regiment Indiana Cavalry, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill granting an increase of pension to Elijah N. Parkhurst."

CARRIE A. MOODY.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 759) granting a pension to Carrie A. Moody, which had been reported from the Committee on Pensions, with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

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 Carrie A. Moody, dependent sister of William H. Moody, late lieutenant-colonel One hundred and thirty-ninth Pennsylvania Volunteers, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS D. BAKER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2556) granting an increase of pension to Lewis D. Baker, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty"; so as to make the bill read:

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 Lewis D. Baker, late of Company G, Fourteenth Regiment of New York Volunteer Heavy Artillery, at the rate of \$20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GROSE.

The bill (H. R. 515) granting a pension to William Grose was considered as in Committee of the Whole. It proposes to place

on the pension roll the name of William Grose, of Newcastle, Henry County, Ind., late a brigadier-general of the United States Volunteers in the Union Army, at \$75 per month, said pension to be in lieu of that which he now receives.

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

JONATHAN SCOTT.

The bill (H. R. 4526) granting a pension to Jonathan Scott was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$72 per month, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

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

ELIZABETH WATTS KEARNY.

The bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, and to pay her a pension at the rate of \$25 per month during her natural life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCRETIA C. WARING.

The bill (S. 202) to increase the pension of Lucretia C. Waring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

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 general pension laws, the name of Lucretia C. Waring, widow of the late Lieut. Howard S. Waring, of the United States Navy, and pay her a pension at the rate of \$50 a month in lieu of any other pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY PIPER.

The bill (S. 2844) granting a pension to Nancy Piper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Piper, widow of Samuel Piper, who was a soldier in Capt. John W. Kendrick's cavalry company, from Troup County, Ga., in the Creek Indian war of 1836, for a period of three months, and who received a land warrant for such services, and to pay her a pension of \$8 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH RICHARDSON.

The bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Elizabeth Richardson, mother of Robert F. Richardson, late a private in Company A, in the Eighth Regiment of Missouri State Militia Cavalry, and who was killed during the war, and to pay her a pension of \$12 per month.

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

IDA EMMOTT.

The bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "daughter," to insert "dependent and invalid"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida Emmott, dependent and invalid daughter of the late Thomas Emmott, private in the Seventh Battery of Massachusetts Volunteer Light Artillery, at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ida Emmott, dependent and invalid daughter of the late Thomas Emmott."

WILLIAM T. HILL.

The bill (S. 2312) granting a pension to William T. Hill, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "at the rate of \$12 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hill, late private Company D, Fourteenth United States Infantry, at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM SANTAS.

The bill (S. 2877) granting a pension to Hiram Santas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hiram Santas, late a private of Company G, Nineteenth Wisconsin Volunteer Infantry, upon the pension roll at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACKSON LUCUS.

The bill (S. 2439) granting a pension to Jackson Lucus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

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 Jackson Lucus, late of Company C, Tenth Regiment Indiana Volunteer Infantry, at the rate of \$8 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. MANN.

The bill (S. 2880) granting a pension to Charles E. Mann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve"; so as to make the bill read:

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 Charles E. Mann, late sergeant of Company H, Second Regiment of Massachusetts Volunteers, at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. HUTCHINGS.

The bill (S. 2879) granting a pension to Charles A. Hutchings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "eight"; so as to make the bill read:

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 Charles A. Hutchings, late private Company H, Third Wisconsin Cavalry Volunteers, at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. GOWDY.

The bill (S. 2493) granting a pension to William F. Goudy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "William F.," to strike out "Goudy" and insert "Gowdy"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Gowdy, late captain Company H, Forty-seventh Regiment Illinois Volunteer Infantry, at the rate of \$12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William F. Gowdy."

JAMES H. JONES.

The bill (H. R. 4122) granting an increase of pension to James H. Jones was considered as in Committee of the Whole. It proposes to increase to \$20 per month the pension of James H. Jones, of Cusseta, Ga., late of the Georgia Volunteers, Indian war.

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

MRS. AMANDA WOODCOCK.

The bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock was considered as in Committee of the Whole. It proposes to place on the pension roll at \$12 per month the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, late a private in the Fourth United States Volunteer Infantry, in the Mexican war.

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

MICHAEL H. J. CROUCH.

The bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, was considered as in Committee of the Whole. It proposes to place the name of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, on the pension roll at \$12 per month.

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

CASSIE A. DAVIS.

The bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James T. Davis and mother of Mary T. Davis, an invalid daughter, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike out "\$30 per month, in addition to the \$12 which she is now receiving as a widow; said \$30 per month to be in lieu of the \$2 per month now paid on account of soldier's helpless daughter, Mary T. Davis, and to be paid so long as said Mary T. Davis remains helpless and is cared for by said Cassie A. Davis," and insert "\$24 per month, in lieu of that she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Cassie A. Davis, widow of James P. Davis, late Company E, Third Regiment of Vermont Volunteers, at the rate of \$24 per month, in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

HANNAH NEWELL BARRETT.

The bill (S. 1300) for the relief of Hannah Newell Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shepard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and pay her a pension at the rate of \$12 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The preamble was rejected.

HENRY V. ANDREWS.

The bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry V. Andrews, of Fulton County, Ill., and to pay him a pension of \$8 per month.

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

JOHN DALTON.

The bill (H. R. 3221) granting a pension to John Dalton was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of John Dalton, of Lamar, Mo., who was employed as a teamster in the Quartermaster-General's Office 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, Arkansas, on the 23d day of April, 1864, at \$12 per month.

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

WILLIAMSON DURLEY.

The bill (H. R. 3234) granting a pension to Williamson Durley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Williamson Durley, of Hennepin, Ill., who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and to pay him a pension of \$8 per month.

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

JOHN CASTER.

The bill (H. R. 5854) granting a pension to John Caster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Caster, late a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry, and to pay him a pension of \$12 per month.

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

KATHERINE S. M' CARTNEY.

The bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine S. McCartney, widow of William H. McCartney, late captain First Massachusetts Artillery, and to pay her a pension of \$20 per month.

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

ABEL S. CHASE.

The bill (S. 152) granting a pension to Abel S. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel S. Chase, of Logansport, Ind., at \$30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES E. WICKWARE.

The bill (H. R. 7983) to pension Frances E. Wickware was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Regiment Vermont Volunteer Infantry, at \$15 a month and \$2 per month for each minor child until they severally arrive at the age of 16 years.

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

CAPT. JAMES B. LOGAN.

The bill (S. 752) to increase the pension of Capt. James B. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Logan, late captain of Company K, Tenth Regiment of Missouri Infantry, and also a soldier in the Mexican war, and grant him a pension of \$20 per month in lieu of \$12 per month which was granted him under certificate No. 180959.

The bill was reported to the Senate without amendment; ordered to be engrossed for a third reading, read the third time, and passed.

W. L. FAXON.

The bill (S. 3020) granting a pension to W. L. Faxon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve," so as to make the bill read:

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 W. L. Faxon, of Middleboro, Mass., late a surgeon, Thirty-second Regiment Massachusetts Volunteers, and that he receive a pension of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEN. WILLIAM H. MORRIS.

The bill (H. R. 4383) granting a pension to Gen. William H. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Morris, late a brevet major-general of volunteers in the Army of the United States, at \$75 per month, in lieu of the pension which he is now receiving.

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

JAMES P. HURLEY.

The bill (H. R. 3216) granting an increase of pension to James P. Hurley was considered as in Committee of the Whole. It proposes to increase the pension of James P. Hurley, private Company G, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Company C, Thirteenth Regiment Veteran Reserve Corps, to \$30 per month in lieu of that he now receives.

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

MARY F. DAVENPORT.

The bill (H. R. 75) granting a pension to Mary F. Davenport was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mary F. Davenport, widow of Dudley Davenport, late first lieutenant of the steamer *Caleb Cushing*, and to pay her a pension of \$25 per month.

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

MRS. KATHERINE GAFFNEY.

The bill (H. R. 4475) granting a pension to Mrs. Katherine Gaffney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine Gaffney, widow of Michael Gaffney, formerly of Company I, Second Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month during her life.

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

SIMON D. KOHL.

The bill (S. 2434) granting a pension to Simon D. Kohl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry"; so as to make the bill read:

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 Simon D. Kohl, late sergeant Company K, Eighth Regiment Iowa Volunteer Cavalry, at the rate of \$12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AARON B. PAGE.

The bill (S. 1164) granting a pension to Aaron B. Page was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "receive," to strike out "and further, that the Secretary of the Treasury is hereby directed to pay to the said Aaron B. Page back pay from the time of his discharge, at the rate of \$30 per month, up to the time this bill shall take effect"; so as to make the bill read:

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 Aaron B. Page, late of Company E, Seventy-second Regiment Illinois Volunteers, at the rate of \$30 per month, in lieu of the pension now received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Aaron B. Page."

MICHAEL CARRON.

The bill (S. 2494) restoring a pension to Michael Carron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "directed," to strike out "to restore to the pension roll the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry, and pay him the pension granted to him by certificate No. 842829 issued under the law of June 27, 1890," and insert "to place upon the pension roll, at the rate of \$12 per month, in lieu of the pension he is now receiving, the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry"; so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of \$12 per month, in lieu of the pension he is now receiving, the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Michael Carron."

JACOB SALADIN.

The bill (S. 3004) granting a pension to Jacob Saladin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Saladin, late of Company E, First Gasconade Missouri Battalion Home Guards, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. HAWLEY.

The bill (S. 2820) granting a pension to Mary F. Hawley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

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 F. Hawley, widow of late Capt. John B. Hawley, Company H, Forty-fifth Regiment Illinois Infantry, and to pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELENDER HERRING.

The bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elender Herring, mother of the late George W. Herring, who was a private in Company I, Sixty-second Regiment Illinois Infantry Volunteers, and to grant her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA A. LAPHAM.

The bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Lapham, the widow of William B. Lapham, formerly first lieutenant, Twenty-third Maine Volunteer Infantry, first lieutenant Seventh Maine Volunteer Light Battery, and captain and assistant quartermaster, United States Volunteers, at \$17 per month.

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

MISS JULIETTE BETTS.

The bill (H. R. 4395) for the relief of Miss Juliette Betts was considered as in Committee of the Whole. It proposes to place on the pension roll at \$12 per month the name of Juliette Betts, the daughter of Hezekiah Betts, a Revolutionary soldier, she being now 91 years old and dependent.

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

HIRAM H. PALMER.

The bill (S. 2758) granting a pension to Hiram H. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram H. Palmer, late a private in

Company A, of the Sixth Wisconsin Infantry, and to pay him a pension of \$30 per month in lieu of the pension he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA M'NEIL.

The bill (H. R. 2844) granting a pension to Martha McNeil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha McNeil, widow of John McNeil, late brigadier-general and brevet major-general, United States Volunteers, and to pay her a pension of \$50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGERET ROWSELL.

The bill (S. 2803) granting a pension to Margeret Rowsell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margeret Rowsell, widow of George Rowsell, late of Company D, Fourth Regiment United States Infantry, at \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JERUSHA HAYWARD BROWN.

The bill (S. 2754) granting a pension to Jerusha Hayward Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "thirty" and insert "twelve"; so as to make the bill read:

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 Jerusha Hayward Brown, destitute daughter of Samuel Hayward, a private under Capt. James Waterbury's battalion, in the year 1781, pensioned June 17, 1833, for service in the Army of the Revolution, died at Stafford, Vt., March 4, 1837, and pay her a pension of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC HARBAUGH.

The bill (S. 2883) granting an increase of pension to Isaac Harbaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty"; so as to make the bill read:

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 Isaac Harbaugh, Company A, One hundred and sixty-third Regiment Ohio Volunteers, at the rate of \$20 a month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. VILAS. I hope the Senator will not ask for an adjournment. There ought to be an executive session this evening.

Mr. GALLINGER. I withdraw the motion.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 15, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 14, 1896.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Samuel Quincy Robinson, assistant surgeon, to be surgeon, with the rank of major, May 2, 1896, vice Caldwell, retired from active service.

To be professor of civil and military engineering.

Capt. Gustav Joseph Fieberg, Corps of Engineers, United States Army, May 4, 1896, vice Mercur, deceased.

To be post chaplain.

The Rev. Ivory Hovey Bartlett Headley, of Massachusetts, May 8, 1896, vice Kerr, deceased.

CAVALRY ARM.

First Lieut. Daniel Hall Boughton, Third Cavalry, to be captain, April 5, 1896, vice Johnson, Third Cavalry, deceased.

Second Lieut. Andrew Gregg Curtin Quay, Fifth Cavalry, to be first lieutenant, April 5, 1896, vice Boughton, Third Cavalry, promoted.

ASSOCIATE JUSTICE, SUPREME COURT, TERRITORY OF OKLAHOMA.

John C. Tarsney, of Missouri, to be associate justice of the supreme court of the Territory of Oklahoma, vice John H. Burford, whose term expired March 8, 1896.

SECRETARY OF LEGATION, MEXICO.

Robert Ransom, of North Carolina, to be second secretary of the legation of the United States to Mexico, to take effect July 1, 1896.

UNITED STATES CONSUL.

Ernest A. Man, of Florida, to be consul of the United States at Bergen, Norway, vice Frederik G. Gade.

POSTMASTERS.

W. A. Shepard, to be postmaster at Auburn, in the county of Placer and State of California, in the place of Frederick S. Stevens, whose commission will expire May 27, 1896.

Oswald Allen, to be postmaster at Loveland, in the county of Larimer and State of Colorado, in the place of Solomon J. Krouskop, whose commission will expire May 27, 1896.

William Munroe, to be postmaster at Quincy, in the county of Gadsden and State of Florida, in the place of John E. Davidson, whose commission expired May 9, 1896.

W. F. Symons, to be postmaster at Brunswick, in the county of Glynn and State of Georgia, in the place of Franklin McC. Brown, whose commission will expire May 26, 1896.

I. J. Jenkins, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in the place of Louis H. Kerr, deceased.

Moran Scott, to be postmaster at Ardmore, in the Chickasaw Nation, Ind. T., in the place of John S. Hammer, sr., resigned.

James H. O'Toole, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts, in the place of Daniel W. Davis, whose commission will expire May 27, 1896.

W. S. Cornutt, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska, in the place of Mrs. Bertha Klevens, removed.

John W. Brown, to be postmaster at Butler, in the county of Butler and State of Pennsylvania, in the place of John T. Kelly, whose commission expires May 20, 1896.

Kate V. Caseber, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania, in the place of Elmer E. Caseber, deceased.

William H. Smith, to be postmaster at Newport, in the county of Perry and State of Pennsylvania, in the place of William H. Bosserman, whose commission expired March 23, 1896.

Benjamin F. Shaffer, to be postmaster at Canyon City, in the county of Fremont and State of Colorado, in the place of Willard B. Felton, whose commission will expire May 27, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1896.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. William John Lyster, Twenty-first Infantry, to be colonel.

Maj. Chambers McKibbin, Twenty-fifth Infantry, to be lieutenant-colonel.

Capt. Mott Hooton, Twenty-second Infantry, to be major.

First Lieut. Frank Beall Jones, Twenty-second Infantry, to be captain.

Second Lieut. Wilson Chase, Twentieth Infantry, to be first lieutenant.

POSTMASTERS.

Mark A. Drane, to be postmaster at Charleston, in the county of Mississippi and State of Missouri.

Walter B. Woodward, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota.

John Laubenthal, to be postmaster at Allegany, in the county of Cattaraugus and State of New York.

Julia H. Bronson, to be postmaster at Clinton, in the county of Oneida and State of New York.

Jacob H. Fank, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey.

Lester B. Colwell, to be postmaster at Friendship, in the county of Allegany and State of New York.

Annie Larrabee, to be postmaster at Oyster Bay, in the county of Queens and State of New York.

Charles E. Rose, to be postmaster at Patchogue, in the county of Suffolk and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 14, 1896.

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

JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. The question is on approving the Journal.

Mr. PRINCE. Mr. Speaker, I find on page 5207 among other names read by the Clerk as present the name of "Mr. PRINCE." I desire to say to the House that I was not in the building at that time.

The SPEAKER. At what time?

Mr. PRINCE. At the time of the taking of the last vote.

The SPEAKER. The Chair is informed at the Clerk's desk that the gentleman went out after the question was put.

Mr. PRINCE. If the Chair was so informed I desire to say he was misinformed; for this reason, that after the vote was taken on the resolution I supposed that was the end of the matter, and I left; and in company with me was my colleague, Mr. GRAFF. I see we are both recorded as being "present and not voting." I left, believing that was an end of the entire matter. When I saw the RECORD I found that there was a further roll call, upon the amended resolution, at which, neither at the time of putting the question, during the vote, nor at the end of it was I in this building.

The SPEAKER. Without objection, the Journal will be considered as approved. [After a pause.] The Chair hears no objection, and it is so ordered.

ADJUSTMENT OF PENSIONS OF MAIMED UNION SOLDIERS AND SAILORS.

Mr. ANDREWS. Mr. Speaker, I desire to submit a privileged report on the bill (H. R. 8354) to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion, and ask that the bill be printed and recommitted to the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Nebraska submits a privileged report on a bill the title of which will be read.

The title was read.

The SPEAKER. The gentleman asks that the bill be printed and be recommitted to the Committee on Invalid Pensions. Without objection, it will be so ordered.

There was no objection.

CONDEMNED CANNON.

Mr. BURTON of Missouri. Mr. Speaker, I desire to ask unanimous consent for the present consideration of a bill which I send to the desk. It will not take two minutes to pass it.

The bill was read, as follows:

A bill (H. R. 771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to J. H. Crenshaw Post, Grand Army of the Republic, at Carterville, Mo., 1 condemned cannon and 15 cannon balls, and also to the General Joe Bailey Post, Grand Army of the Republic, at Nevada, Mo., 1 condemned cannon and 15 cannon balls.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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

Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further,* That the United States shall not be subjected to any expense on account of such donation.

The amendment recommended by the committee was agreed to.

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

On motion of Mr. BURTON of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The SPEAKER. Will the gentleman suspend for a moment until the Chair gets through the necessary business?

ENROLLED BILLS SIGNED.

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

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof;

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker; and

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

CORRECTION OF ENROLLED BILL.

The SPEAKER laid before the House the following Senate concurrent resolution; which was considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line 2 of said enrolled bill, and inserting "eight."

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the consideration of business under the special order.

CONTESTED ELECTION—CHEATHAM VS. WOODARD.

Mr. PRINCE. Mr. Speaker, I have a privileged report that I would like to make.

The SPEAKER. The Chair begs pardon. The Chair thought the gentleman rose to make a request for unanimous consent.

Mr. PRINCE. It is a report with reference to the contested-election case of Henry P. Cheatham against Frederick A. Woodard. I would like to have the resolutions read to the House, and then I will ask for their adoption.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker. Under the special order there is nothing to displace this special order except appropriation bills. Is it in order to bring up a contested-election case?

The SPEAKER. The Chair thinks that a privileged matter. The question of the right of a member to his seat has precedence over even a special order of the House. The Chair was not aware that the gentleman from Illinois had a privileged report, but thought he was asking for unanimous consent for the consideration of a bill. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Henry P. Cheatham was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina, and is not entitled to a seat therein.

Resolved, That Frederick A. Woodard was elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina, and is entitled to retain his seat therein.

The resolutions were agreed to.

Mr. PRINCE. I ask that the report be printed in the RECORD.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

On motion of Mr. PRINCE, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

The report of the committee is as follows:

Mr. PRINCE, from the Committee on Elections No. 2, submitted the following report:

The Committee on Elections No. 2, to whom was referred the contested election case of Henry P. Cheatham, contestant, against Frederick A. Woodard, contestee, from the Second Congressional district of North Carolina, respectfully report that, after a careful consideration of the printed evidence and briefs filed in said cause and having heard the oral arguments of counsel for said parties in support of their respective claims, the committee find the following facts, viz: The said district is composed of nine counties, to wit, Bertie, Edgecombe, Greene, Halifax, Lenoir, Northhampton, Warren, Wayne, and Wilson.

Frederick A. Woodard, Democrat, received 14,721 votes, H. P. Cheatham, Republican, received 9,413 votes, and H. F. Freeman, Populist, received 5,314 votes, at the general election held in said district on the 6th day of November, 1894. Contestee received the certificate of election, was sworn in, and is now the sitting member of the House from that district. Contestant, within the time required by law, served upon contestee his notice of contest, alleging various matters as reasons why contestee was not legally elected and claiming that he (contestant) was duly and legally elected.

To this notice contestee served on contestant his answer, specifically denying all of the material allegations in said notice.

From the evidence it appears that contestant and his brother-in-law, George H. White, were rival candidates for the nomination for Congress before the convention of the Republican party, which met in said district in Weldon, on June 27, 1894.

The contest preceding the convention between contestant and George H. White was active, earnest, and bitter. At said nominating convention, owing to contesting delegations, the bitterness between said parties was increased and each insisted that he was the regular nominee of the convention for Congress. Both remained in the field, each declaring himself to be the regular nominee of the party, until September 24, 1894, when the Republican national congressional committee declared that Mr. Cheatham was the regular nominee of his party in said district. Owing to this unfortunate trouble between contestant and George H. White, as appears from the evidence, a very great many of the colored Republican voters refused to vote for Mr. Cheatham, a few of them even preferred to vote for Mr. Woodard, Democratic candidate, and a great many of them voted for H. F. Freeman, the Populist candidate. Contestant contends that the colored voters are in a

majority in the district and that the colored vote was solid for him. The evidence in the case failed to sustain either of these allegations. It is further alleged by contestant that the election was not conducted fairly and that poll holders were ignorant and corrupt and defrauded him. This allegation is not maintained, except in a few instances, where the poll holders were shown to be ignorant. From the evidence it appears that this is the first contest that has occurred in this district, and it would seem that if the Republican party was united on their candidate the district would be represented in Congress by a Republican. Conceding to contestant the benefit of every reasonable doubt and all legitimate presumptions in the irregularity in the conduct of said election, your committee do not feel warranted upon the facts proved in holding that contestant was elected, because he falls far short of a sufficient number of votes to legally elect him as a Representative in Congress from said district.

The committee therefore recommend the adoption by the House of the following resolutions:

"Resolved, That Henry P. Cheatham was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina and is not entitled to a seat therein.

"Resolved, That Frederick A. Woodard was elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina and is entitled to retain his seat therein."

SPECIAL ORDER.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

Mr. PICKLER. Pending that, I yield for a moment to the gentleman from Pennsylvania.

DELEGATE FOR ALASKA.

Mr. SCRANTON. Mr. Speaker, it was the intent to call up to-day the motion to reconsider the motion by which the bill H. R. 3826, the Alaska Delegate bill, was denied a third reading, but I do not desire to interfere with pension matters, and therefore I give notice that I will ask a vote upon the motion to-morrow morning.

The motion to go into Committee of the Whole was agreed to. The House accordingly resolved itself into Committee of the Whole House on the Private Calendar under the special order, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills under the special order, which the Clerk will report.

The special order was read.

EMILY A. MANN.

The first pension business was the bill (H. R. 3480) for the relief of Emily A. Mann, which the Clerk proceeded to read.

Mr. BISHOP. Mr. Chairman, that is not the first bill in order. There were several bills reported from the Committee on Military Affairs which were passed over the other night and ought to be taken up before this bill is reached.

The CHAIRMAN. The Chair is informed that this bill was pending when the committee rose at the last session for the consideration of pension bills under the special order. The Clerk will complete the reading of the bill.

The Clerk resumed and completed the reading of the bill, 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, at the rate of \$12 per month, the name of Emily A. Mann, widow of William R. Rogers, late of First Illinois Light Artillery.

Mr. BAKER of New Hampshire. Mr. Chairman, at the close of the session on last Friday evening I had risen to oppose this bill, but gave way for a motion that the committee rise. I do not propose at this time to discuss the bill at any length. I wish merely to state what it is, and then leave it to the members of the Committee of the Whole to decide as they see fit, as they undoubtedly will. This is a case of a soldier's widow who remarried, and is now the widow of a civilian, not of a soldier. This bill proposes to pension her under a name which has not its counterpart upon the rolls of the Army. The soldier served a little less than two months, when he died. His widow was pensioned, but subsequently remarried, and now, after she has voluntarily retired herself from the pension roll, this bill proposes to reinstate her upon that roll. The principal objection to bills of this character lies in the fact, as I have already suggested, that there is no counterpart of service upon which to base the pension. Again, this is the third bill of this kind which has been before this House, and if we pass this bill we shall establish a precedent which will come up here every Friday evening, and probably at every session in the future, to occupy the time of the House and to expend the money of the United States for the benefit of persons who have voluntarily relinquished their claim to pension by their own free act. That is the character and condition of this case, and with these remarks I leave the bill to the judgment of the committee.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. DINGLEY. Mr. Chairman, after the statement which has

just been made that this lady is not the widow of a soldier, as she is described in the bill, I shall move to amend so as to make the bill conform to the fact. It ought to be amended by inserting in line 6, after the word "of," the words "S. K. Mann, and previously widow of." I offer that amendment in order that the fact may appear that this lady was formerly the widow of a soldier. I think we ought not to state in a bill anything that is contrary to the fact.

The Clerk read the amendment, as follows:

After the word "of," in line 6, insert "S. K. Mann, and previously widow of"; so that it will read "widow of S. K. Mann, and previously widow of William R. Rogers."

The amendment was agreed to.

Mr. DINGLEY. This is a bill to pension a remarried widow, and as that is not conformable to the general law, there ought to be some specific reason for making an exception in this particular case, because we have in the country more than 10,000 widows who are exactly in the same position as this one, soldiers' widows who have remarried and who therefore do not come within the general law. I think there ought to be an exceptional reason for passing a bill like this.

Mr. PICKLER. I will yield to my colleague on the committee to reply to the gentleman from Maine.

Mr. KERR. I desire to say, Mr. Chairman, in answer to the suggestion of the gentleman from Maine, that it is rather late to raise the particular question that is now raised by him, inasmuch as it has been the policy of this House to pass every bill recommended by the Committee on Invalid Pensions where the beneficiary was the war widow of a soldier. That I state as the first particular circumstance that ought to recommend this bill to favorable consideration.

Mr. DINGLEY. If that is the policy to be followed, why is it not better for the Committee on Invalid Pensions to report a general bill covering all these cases?

Mr. KERR. I will say to the gentleman from Maine, who knows everything that goes on in this House except the particular thing which he does not appear to know in this instance, that the Committee on Invalid Pensions has recommended the passage of such a bill, and I have had in charge for two or three weeks a bill that does render eligible to pension all widows who were the wives of soldiers for any period during the war.

Mr. DINGLEY. Then the point is this: Would it not be better, if we are to adopt that policy, to take up and pass the general bill rather than to pension a particular widow, unless there are some special or exceptional circumstances?

Mr. KERR. There is no reason why in the case of this poor widow justice should be delayed by waiting for this House to pass a general bill.

Mr. DINGLEY. Is there anything that distinguishes the case of this widow from the case of 10,000 other widows?

Mr. KERR. There is. Although the gentleman is much better able to make an estimate than I am, I will say there are not 10,000 widows or the half of 10,000 widows in a similar situation to this lady. Let me state the particular circumstances; and I do not wish to encroach upon the time of the House by any prolonged discussion of a particular bill.

This widow was remarried in 1865, and thereby forfeited the pension she had been drawing as the widow of William R. Rogers. Rogers died in the service. He was with Grant in front of Donelson and he gave his life for the Union, although he did not die in battle, but from disease contracted in the service. A pension was granted to her. She was a war widow; she was this man's wife long before the war. In 1865, as I have said, she forfeited her pension by remarriage; and, although her second husband died in 1871, she did not for years apply to be reinstated. But in 1887, as the evidence shows, she suffered a fall which injured her spine, and ever since that time she has been confined to her house and for a great part of the time to her bed. She is now entirely penniless. She has no children, and depends upon the charity of friends.

Mr. DINGLEY. I think that the facts the gentleman states are sufficient to justify the passage of this bill; but I want the real reason for granting the pension to appear in the bill. If the gentleman will yield for the purpose, I will move to add as an amendment these words:

This pension being granted, notwithstanding remarriage, for the exceptional reason that said widow is totally disabled and without any means of support.

Mr. KERR. I have no objection to that amendment, except that this bill is now in the exact form of all the bills of this kind coming from the Invalid Pensions Committee.

Mr. DINGLEY. The passage of the bill is entirely proper if that explanation appears.

Mr. KERR. I have no objection to the amendment if—

Mr. DINGLEY. I move to amend in the manner I have indicated.

Mr. PICKLER. We do not want that amendment.

Mr. DINGLEY. I want it to appear distinctly why this widow is picked out from among thousands of others.

Mr. PICKLER. She is a war widow.

Mr. DINGLEY. But it seems to me if we are to pick out one case from among thousands there ought to appear some special reason for it. If this is simply the case of a remarried widow, there are tens of thousands of others in the same situation. But if we state in the bill that this widow is pensioned as being totally disabled and without means of support, that will show the reason why this case has been made an exception.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Maine.

The Clerk read as follows:

Insert at the end of line 7 the following:

"This pension being granted, notwithstanding remarriage, for the exceptional reason that said widow is totally disabled and without any means of support."

Mr. PICKLER. I think this amendment is wholly unnecessary. The report shows that this is a war widow; that she was the wife of a soldier who contracted at Donelson the disease from which he died. The gentleman from Maine, by his amendment, proposes to get up a new form for our pension bills; he seeks to inject into this bill a new and particular reason for granting the pension.

A MEMBER. An apology.

Mr. PICKLER. Yes; an apology. The amendment proposes to put an argument in the bill; and arguments ought not to be inserted in a bill. The argument of the case is in the report. I know that when the gentleman fully understands the case he will not insist upon the amendment. It is stated in the report that in addition to being a war widow she "is now over 60 years of age, in destitute circumstances, and has no means of support except contributions from friends, and no property."

Mr. DINGLEY. I say that it is proper to pension a remarried widow when those facts appear. But let us not establish a precedent for applications in 10,000 cases where there are not just such circumstances.

Mr. PICKLER. The statement which the gentleman proposes as an amendment ought not to go into the bill.

Mr. DINGLEY. I think it ought. Without some such explanatory statement the bill will be constantly pointed to hereafter as a precedent for pensions in cases not having the same peculiar merit as this.

Mr. BRUMM. I should like to know whether there are any children.

Mr. TALBERT. I hope this amendment will not prevail. I am astonished to see such a discussion as this arise.

The CHAIRMAN. The time allowed for debate on this bill has expired.

Mr. TALBERT. I hope the bill will pass without the amendment. I am astonished at gentlemen raising such a question on a meritorious bill of this kind.

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

The CHAIRMAN. The ayes seem to have it.

Mr. PICKLER. I call for a division.

The question being again taken, there were—ayes 45, noes 74.

Mr. ERDMAN. Mr. Chairman, I demand tellers.

Tellers were not ordered, there being less than one-fifth of the members rising to support the demand.

So the bill was laid aside to be reported to the House with favorable recommendation.

NICHOLAS SWINGLE.

Mr. VAN VOORHIS. Mr. Chairman, at the last Friday night session House bill No. 1175, to remove the charge of desertion from the military record of Nicholas Swingle, was the first bill on the Calendar to be considered—

The CHAIRMAN. The Clerk will report the next bill on the Calendar, which is the bill to which the gentleman refers.

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 Nicholas Swingle, late of Company E, Seventy-eighth Ohio Volunteer Infantry, and that an honorable discharge be issued in lieu thereof, to date September 15, 1864.

Mr. TALBERT. I do not understand, Mr. Chairman, how that bill comes up now.

The CHAIRMAN. The question is, Shall the bill be laid aside with favorable recommendation.

Mr. TALBERT. I would like to have some light on this question. I do not think that this bill ought to be rushed through without discussion like the other was. This bill has no merit whatever, while the other was a meritorious bill. I would like to have the report read or some light thrown upon it some way or other.

Mr. VAN VOORHIS. I ask that the report accompanying the bill be read.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 1175) entitled "A bill to remove the charge of desertion from the military record of Nicholas Swingle," beg leave to submit the following report, and recommend that said bill do pass without amendment:

A similar bill to the one under consideration was introduced in the Fifty-third Congress and favorably reported by your committee, which report your committee hereby affirms and adopts.

The report is as follows:

[House Report No. 1671, Fifty-third Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8017) entitled "A bill to remove the charge of desertion from the military record of Nicholas Swingle," having had the same under consideration, report it back favorably, and recommend its passage.

Nicholas Swingle, private, Company E, Seventy-eighth Ohio Volunteers, was enrolled at Zanesville, Ohio, March 18, 1864, to serve three years. On the muster roll of company for March and April, 1864, his presence or absence is not stated; May and June, 1864, "absent at hospital since June 12, 1864"; July and August, 1864, "absent, sick since June 12." His name is dropped from all subsequent rolls until the muster out of company, dated July 11, 1865, which reports him "deserted from hospital at Big Shanty, Ga., on or about June 15, 1864."

It will be noted that in the above statement of Swingle's military record, furnished by the War Department, it appears that the charge of desertion was not entered against his name until the muster out of his company, July 11, 1865, and then by direction of the chief mustering officer of the Seventeenth Army Corps, and against the judgment of the second lieutenant of his company, who was the acting muster officer of the company.

It appears from affidavits on file in connection with this case that Swingle was wounded in the right knee while on the skirmish line near Big Shanty, Ga., June 11, 1864; was sent to a field hospital, where he remained for some days, and when able to perform duty was discharged and ordered to rejoin his command. Swingle did not reach his company, and from the time of leaving the hospital all trace of him was lost until he appeared at his home in Muskingum County, Ohio, in June, 1865, completely broken in health, unable to speak above a whisper, and so badly shattered mentally as to be unable to give any intelligible account of his wanderings.

The story gathered from him was that after his discharge from the field hospital, and while on his way to his command, he was overtaken by Confederate cavalry, captured, and sent to a military prison, where he was detained until his parole, when he was sent to Annapolis, Md. After remaining there for some time he came home, understanding that the war was over.

It appears that when Swingle entered the service he was a strong, able-bodied man, whose good character and faithfulness as a soldier are testified to by the affidavits of his captain and second lieutenant, both of whom state that, although absent from military control without authority, they did not believe him to be a deserter. In less than a year after his disappearance he returned home shattered in mind and body, and unable to give any consecutive or lucid story that would enable his friends to explain his absence to the authorities.

Under all the circumstances your committee is of the opinion that the relief prayed for in this bill should be granted, and therefore recommend the passage of the bill.

Mr. TALBERT. I just desire to make this statement—I do not wish to detain the committee—but on last Friday evening, when a motion was made to go into Committee of the Whole, on a division it was found that there were but 50 members present. I made the point of no quorum, with the understanding, as stated at the time, that if I could secure unanimous consent that these bills for the removal of charges of desertion and for the correction of military records should be passed over and not brought forward for consideration, but let the committee go on and reach claims upon the Calendar that had some merit in them, I would withdraw the point of order. That agreement was made, and several meritorious bills were passed.

That agreement was made, I thought, in perfect good faith. Certainly it was on my part; and that evening some seven or eight of these desertion bills were passed over and other bills taken up, as I have said, and passed. I believed then that under that agreement these bills would still remain in obscurity, and that we would take up the Calendar to-day, commencing with the meritorious claims, and consider them, or, at least, that we would certainly not go back and take up these bills which were laid aside under that agreement on last Friday night. Now, I hope the House will keep faith with the agreement and not go back.

I make the point that this is not in order, and that the House can not go back and take up these bills out of order in this manner.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ERDMAN. The gentleman from South Carolina has evidently jumped from the frying pan into the fire. On Friday night we could take up and discuss these bills without limit, whereas now we are limited to ten minutes on each bill.

But as to the point of order suggested by the gentleman, if this is the same Committee of the Whole as the committee which acted on these bills on Friday night last—and it seems to have been so determined by the ruling of the Chair on last Friday night—then clearly that faith ought to be kept to which the gentleman refers, and the agreement fixed in the Committee of the Whole ought to be adhered to.

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

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 107, noes 3.

So the bill was laid aside with a favorable recommendation.

WILLIAM F. SONGER.

The next business on the Private Calendar was the bill (H. R. 4193) to correct the military record of William F. Souger.

The CHAIRMAN. The Chair will state that this bill is now brought forward because it was passed over by a mistake. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against William F. Souger, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to said Souger a certificate of honorable discharge.

Mr. HARDY. I want to offer an amendment to this bill. The name in the bill is wrong. The name is printed "Souger." I move to strike out the letter "u" where it occurs in the bill and insert the letter "n"; so as to read "Songer."

The amendment was agreed to.

Mr. SPALDING. I would like to have the report read which accompanies this bill.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 4193) entitled "A bill to correct the military record of William F. Souger," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that William F. Souger, private Company B, Forty-second Regiment Indiana Volunteers, be relieved of the charge of desertion. The evidence shows that he served faithfully during his first enlistment; that in October, 1864, nine months after his second enlistment, he deserted, returning to his home to visit his wife, who was sick, and she remained sick a long time thereafter.

In consideration of his faithful service for three years, the committee are of opinion that this bill should pass.

The question being taken on laying aside the bill, the committee divided, on demand of Mr. TALBERT; and there were—ayes 94, noes 5.

So the bill was laid aside to be reported favorably.

HOMER C. McCUSKEY.

The next business on the Private Calendar was the bill (H. R. 4972) to correct the military record of Homer C. McCuskey.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment of United States Colored Troops, on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Homer C. McCuskey an honorable discharge, the same to date from the muster out of said Seventh Regiment of United States Colored Troops.

Mr. HAGER. I ask for the reading of the report.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 4972) to correct the military record of Homer C. McCuskey, having had the same under consideration, would report thereon as follows:

The object of the bill is to remove the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment, United States Colored Troops, and that the Secretary of War be directed to issue to him an honorable discharge, to date from the muster out of such regiment. The records of the War Department show the service of the soldier to be as follows:

That Homer C. McCuskey was enrolled as a private in Company G, Thirty-first Ohio Infantry, to serve three years, and that he was discharged October 29, 1861, because of "chronic enlargement of the liver."

As Homer C. McCuskey he again enlisted as a private in Company D, Sixty-second Ohio Infantry, February 13, 1864, and was discharged by reason of promotion to second lieutenant, Seventh Regiment United States Colored Troops, November 28, 1864.

It is also shown by the records that Homer C. McCuskey, aged 21 years, was enrolled November 30, 1864, and was mustered into service as second lieutenant Company B, Seventh United States Colored Infantry, December 19, 1864, to date November 30, 1864, to serve three years.

He was transferred to Company K, same regiment, December 31, 1865. The muster rolls report him as follows: From enrollment to June 30, 1865, "present"; August 31 and to December 31, 1865, "absent sick in hospital"; February 28 and to June 30, 1866, "absent without authority."

On March 24, 1866, Lieut. Col. O. E. Pratt, commanding the regiment, reported that Mr. McCuskey had been sent to hospital at New Orleans by the surgeon in charge of the post hospital at Indianola, Tex., in September, 1865; that he (Colonel Pratt) had since ascertained from a reliable source that Mr. McCuskey had not entered hospital at New Orleans, but had proceeded to his home in Ohio and thence to Minnesota, where he was engaged in farming; and that he had been reported absent without leave since February 20, 1866. That report having been duly forwarded to the War Department, and Mr. McCuskey's address not being known, he was notified by newspaper publication to make defense to the charge of desertion within thirty days or be subject to recommendation for dismissal. No response or defense having been received, Mr. McCuskey was "dropped from the rolls of the Army for desertion," he "having absented himself from his command since September 1, 1865, without authority," by order of the Secretary of War, in paragraph I, Special Orders No. 390, War Department, Adjutant-General's Office, August 9, 1866. No medical record of him has been found.

The affidavit of the beneficiary, made on the 4th day of January, 1890, shows that he remained at the hospital at Indianola until September, 1865; that his health continuously grew worse, and that he was informed by the post surgeon that if he recovered he would have to go North, and that such surgeon gave him written permission to go for his health, which written permit both McCuskey and his wife, Emily J. McCuskey, in their affidavits, stated was lost with other of McCuskey's army papers about the time they moved to Iowa; that he went to his home at Somerset, Ohio, and that at the time of leaving the hospital he was unable to get to the boat alone and was assisted thereto; that he continued sick and unable for active duty after his return

home, and that he sent in his resignation on account of sickness, and, on the assurance that it would be accepted, supposed it had been until long thereafter; that being in poor health and only a boy in years and experience, he did not give the matter the concern that he should have done or find out just what action was taken as to his resignation or whether it was received.

Accompanying the papers is an affidavit made by John L. Sheridan on the 9th day of October, 1890, stating that he was well acquainted with McCuskey, late a lieutenant in the Seventh United States Colored Infantry, and that McCuskey applied to him in the autumn of 1865 for information as to the method to be pursued to resign from the service of the United States; that, at said McCuskey's suggestion, the said John L. Sheridan wrote to the late General Sheridan, then commanding Department of the Gulf, and was by him informed that the resignation would be accepted for cause, provided such resignation was forwarded through regular channels; that said McCuskey in his affidavit states that said John L. Sheridan was a brother of Gen. P. H. Sheridan, commanding the department in which McCuskey's regiment was then serving, and that said McCuskey, upon forwarding his resignation, relied upon the assurance that it would be accepted. He further states in his affidavit that he did not learn that his resignation had not been accepted or that he was borne on the records of the Army as a deserter until long after his regiment had been mustered out. The affidavit of Mrs. McCuskey, made on the 13th day of August, 1891, corroborates her husband's statement as to his reaching home sick, and also as to seeing the written permission given by the surgeon for him to go to his home.

Your committee, from an examination of the records and papers in the case, are therefore of the opinion that the soldier in this case never intended to desert or believed that he had deserted, but that his absence from his command at the time it was mustered out was due to his ill condition of health, the admonition of the surgeon that if he expected to recover he must go North, the written permission of the surgeon so to do, the subsequent tender of his resignation upon arrival at home after he discovered that he was not recovering his health, and the assurance received by him that such resignation would be accepted for cause such as prompted him to tender the same, which was his illness, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with favorable recommendation.

JOHN J. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 3514) granting an honorable discharge to John J. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to grant an honorable discharge to John J. Johnson, late a private in Company D in the Second Regiment of Arkansas Cavalry Volunteers, as of date June 14, 1864.

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

Mr. DINGLEY. Let us have the report read.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 3514) to remove the charge of desertion from the military record of John J. Johnson, late a private in Company D of the Second Regiment of Arkansas Cavalry, and grant him an honorable discharge, beg leave to report:

John J. Johnson enlisted as a private in Company D of the Second Regiment of Arkansas Cavalry on the 10th day of February, 1864. Lemuel R. Jones, who was second lieutenant of the same company, testifies to the good character and faithful service as a soldier of Johnson until reports came to the company, in April, then serving at Springfield, Mo., and in the country surrounding Springfield, that the guerrillas were raiding the Union families in Newton County, Ark., where the family of Johnson and of most of his comrades in the company lived. These reports so worked upon the members of the company that they asked permission of the colonel of the regiment to go to the assistance of their families. Permission was refused by the colonel on the ground of the extreme danger of a small party going to such a distance from the command.

During the summer and fall of 1864 about 60 men of said company left the command and went to Newton County to defend and care for their families, and Johnson was among them, and was at the time a sergeant in the company. At the time of leaving he wrote a letter to the colonel of the regiment stating that himself and the men had no intention of deserting, but were going to the assistance of their imperiled families. This letter was given to the colonel with the morning report and the colonel stated that he had promised the men furloughs, but the great danger from the enemy had deterred him from granting them.

In December, 1864, Lieutenant Jones resigned to return home to Newton County, Ark., and was told by the colonel to inform the men that if they would return to the command they should not be molested or punished. When Jones returned to Newton County he found his men scouting the country and doing thoroughly what they had gone home to do. In May, 1865, Lieutenant Jones returned to Springfield and reported to Gen. J. B. Sanborn, commanding the Southwest Military District, and requested that the members of his company then in Newton County should be placed on detached service and allowed to remain there to protect the Union families of the county. The request of Lieutenant Jones was granted, and a general order issued placing said soldiers on detached service and ordering them to remain in Newton County until further orders.

Sergeant Dickey was ordered to take command of the men, which he did, and they performed effective and faithful service. In August, 1865, Sergeant Dickey was ordered to return to his command, which was then at Memphis, Tenn. He did so return with most of the men, but Johnson and some others failed to get the notice of the order, and did not report in consequence, and was not mustered out as were his comrades who received notice of the order to return to the command.

In view of all these facts your committee are of opinion that Johnson did not intend to desert, and did not desert his command, and was only prevented from being mustered out with his command by a failure to receive notice of the order to report at Memphis.

The bill is therefore reported favorably, with a recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EZRA ABBOTT.

The next business on the Private Calendar was the bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Ezra Abbott, late of Company I of the Twenty-first Michigan Volunteer Infantry, to date from the 10th day of September, 1863.

Mr. MILNES. Let us have the report read.

The Clerk proceeded to read the report (by Mr. BISHOP), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott, having considered the same, would respectfully report the same back to the House and recommend that the bill do pass.

The facts relied upon for such recommendation are fully set forth in a report of your committee made in the Fifty-first Congress, hereto attached and adopted as a part of this report. A bill for the relief of such soldiers passed both Houses of the Fifty-first Congress, but because of an error in such bill the act was inoperative for the relief intended. The report of the Adjutant-General on such bill is also hereto attached.

[House Report No. 2650, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 16526) to remove the charge of desertion from the record of Ezra Abbott, late of Company I, Twenty-first Michigan Volunteer Infantry, having considered the same, respectfully report:

That Ezra Abbott, the claimant, enlisted in August, 1862, and served faithfully to July 25, 1863, excepting for a period of four months and eight days, during which time he was in desertion. Had he returned to the service eight days sooner he could have been relieved under the general law.

The report of the Secretary of War, herewith submitted, shows that the claimant deserted from the hospital, where he had been confined for quite a long period with chronic diarrhea. He went home just long enough to recover his health sufficiently to pass medical examination, when he reenlisted in another organization than the one in which he had first served, but without bounty.

Your committee believe the relief asked for should be granted, and recommend the passage of the bill.

Mr. MILNES. Mr. Chairman, I am satisfied with that report.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK RAINEY.

The next business on the Private Calendar was the bill (H. R. 2328) for the relief of Patrick Rainey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, and issue to said Rainey an honorable discharge.

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

Mr. TALBERT. Let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 2328) to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, have carefully considered the same and beg leave to report:

Patrick Rainey enlisted in the Fifty-second Ohio Infantry as a private on the 12th day of August, 1862, to serve three years. He was born in Ireland in the year 1848, and hence was but 14 years old at the time of his enlistment. Like many other boys, he ran away from home to enlist. His mother, his father being dead, went with one John Cunningham to Camp Dennison to bring him home. All their arguments failed and the lad remained. Subsequently his older brother, James Rainey, went to Nashville, Tenn., and partly by persuasion, partly by coercion, succeeded in getting Patrick to leave the regiment and go with him to town, where he bought him a suit of citizen's clothes and refused to allow him to return to the regiment.

After getting him back home with difficulty a close guard was kept over him to prevent his return to the regiment until after it was mustered out.

Your committee believe, in view of the facts and the almost extreme youth of the boy, that there is nothing in his conduct to warrant the charge of desertion, and the bill is therefore reported favorably with the recommendation that it do pass.

The question was taken on laying aside the bill to be reported to the House with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. STEELE. That man is admittedly a deserter. Let us have a division.

The committee divided; and there were—ayes 68, noes 5.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS S. DAUGHERTY.

The next business on the Private Calendar was the bill (H. R. 3333) granting a pension to Thomas S. Daugherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension roll of the United States the name of Thomas S. Daugherty, late a private in Company A, in the First Regiment of Kentucky Cavalry, and to pay him a pension at the rate of \$30 per month.

Mr. MILNES. Let us have the report.

The CHAIRMAN. The report will be read.

Mr. PICKLER. Who wants the report read, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan.

Mr. MILNES. I should like to hear the report.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3333) granting a pension to Thomas S. Daugherty, submit the following report:

Your committee find that Thomas S. Daugherty enlisted as a private in Company A, First Regiment of Kentucky Cavalry, in the fall of 1864, and was discharged from the service on the 9th day of August, 1865, having been enlisted to serve one year or during the war. In June, 1865, the telegraph wires being down, he was sent with a special message to be delivered to the commanding officer at Midway, Ky., his command being at the time stationed at Bagdad. Upon arriving at Midway the conductor of the train, upon which Daugherty was in the discharge of the duty upon which he had been sent, refused to check the speed of the train to allow him to get off with the message, and, determined to perform the duty upon which he had been sent at all hazards, he jumped off of the train, and in doing so his left foot slipped under a cross-tie, throwing him backward, dislocating his left ankle and knee, striking the extreme lower part of his spinal column, also the back of his head, rupturing the drum membrane of the right ear.

From these injuries he never recovered. His knee was set, but his ankle was not, and a running sore resulted that has never healed. His right ear is totally deaf, and he has suffered much from the shock to his spine. His disabilities have increased with advancing years, and the only reason given by the Pension Bureau for the rejection of his claim for pension is that the First Regiment of Kentucky Cavalry, to which he belonged, was a State organization. There is no dispute as to the facts nor as to the additional fact that he is now totally disabled from the performance of manual labor of any kind. He is an educated physician, but for some years has been wholly unable to practice his profession.

In view of the fact that the injuries from which the claimant suffers were incurred in the service, and in the discharge of an important duty devolved upon him, your committee believe he is entitled to a pension, notwithstanding he belonged to a State military organization, and the bill is therefore reported favorably, with a recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MINNIE PARKER.

The next business on the Private Calendar was the bill (H. R. 6113) granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the 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 place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, and to pay her a pension of \$50 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 6, between the words "of" and "Brevet," insert the words "Colonel and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JERUSHA H. BROWN.

The next business on the Private Calendar was the bill (H. R. 5279) granting a pension to Jerusha H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, Jerusha H. Brown, of St. Paul, Minn., daughter of Samuel Hayward, a soldier in the American Revolution.

Mr. MILNES. Let us have the report.

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

The Committee on Pensions, to whom was referred the bill (H. R. 5279) granting a pension to Jerusha H. Brown, have considered the same and respectfully report as follows:

A similar bill was before your committee at the second session of the Fifty-third Congress and was reported favorably. The report of the committee (House Report No. 1458, Fifty-third Congress), fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[House Report No. 1458, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 7267) granting a pension to Jerusha H. Brown, have considered the same and report as follows:

The claimant is the daughter of Samuel Hayward, who served for a year and four months in Captains Bliss and Dana's companies in the Connecticut Line, war of the Revolution. The service is a matter of record, and the soldier and his widow, Sarah Hayward, were pensioners during their lifetime.

The testimony of Samuel Pennock, Mary J. Patterson, Nathan S. Young, and F. L. Young establishes the identity of the claimant as the only surviving child of the soldier. These witnesses knew Samuel Hayward in his lifetime and were acquainted with the members of his family. Jerusha H. Brown, the beneficiary, is a member of the "Society of the Daughters of the American Revolution," and a copy of a certificate of her membership in that organization is on file with the papers.

The testimony further shows that the claimant is 71 years old, without property or income, and a sufferer from rheumatism to such an extent that she can do no manual labor, and that she is dependent on others for a livelihood.

There are several precedents for the allowance of pensions to the aged and dependent daughters of Revolutionary soldiers—one of them (the case of Hannah Lyons) having become a law at this session of Congress—and in the light of the facts set forth above your committee return the bill with the recommendation that it do pass.

Mr. MILNES. Mr. Chairman, it appears from the reading of this report that this is the daughter of a Revolutionary soldier; that the father and mother of this claimant were borne upon the pension rolls for something like seventy years. Now, I should like to know what is going to be the policy and how long we are

to continue pensions. Is there to be no end to them? It seems to me that we ought not to adopt this policy of pensioning daughters of soldiers who fought in a war more than one hundred years ago. It seems to me like a very bad policy. I am certainly opposed to it.

Mr. LOUDENSLAGER. Mr. Chairman, I will say in reply to the gentleman from Michigan that this is in the line of precedents established not only by this Congress but by former Congresses. In fact, no bill of this kind has been presented to either the Fifty-third or Fifty-fourth Congresses and been defeated. They have all been acted upon favorably. So that this is not the first precedent established in this line. It is only one of a series.

Mr. MILNES. It is a bad precedent.

Mr. LOUDENSLAGER. The evidence is clear as to the relationship of this claimant to the Revolutionary soldier and as to her entire dependence.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELEANOR CARROLL POE.

The next business on the Private Calendar was the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$100 per month, the name of Eleanor Carroll Poe, widow of the late Col. Orlando M. Poe, of the United States Army.

The Committee on Invalid Pensions recommended an amendment, striking out the words "one hundred," in line 5, and inserting in lieu thereof the word "fifty."

The amendment recommended by the committee was agreed to.

Mr. DINGLEY. Let the report be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having considered the matters in evidence, adopt as their own Senate Report No. 136, and recommend the passage of the bill with an amendment, striking out, in line 5, the words "one hundred" and inserting in lieu thereof the word "fifty."

The Senate report is as follows:

[Senate Report No. 136, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, after full consideration, make a favorable report thereon.

The bill proposes to pension, at the rate of \$100 a month, the widow of an officer who rendered distinguished service both in war and in peace.

For twenty years General Poe was a member of General Sherman's staff. The relations that these two men sustained to each other are set forth by General Sherman with peculiar directness and with much feeling in the following letter:

"HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., October 30, 1883.

"MY DEAR FRIEND: By reason of circumstances long since revealed, the little group of officers which has daily gathered at these headquarters will soon give place to others, and we will scatter—you to your post of duty at Detroit and I to my home at St. Louis.

"The relation between a general and his personal staff is too intimate, too sacred, to be treated in General Orders. So, according to a habit long since formed, I will address you thus rather than pay a fulsome compliment for publication.

"I construe your personal and official service near my person to have begun in the spring of 1864 at Nashville, and that it will not cease till February 3, 1884, so that you will have been with me twenty years—and twenty most eventful years. In the beginning we were in the throes of a great civil war, with vast armies in motion needing guidance and maintenance, wherein your well-stored mind and sound judgment aided me more than you ever can know.

"We gradually but surely swept our enemies out of existence, and in 1865 rode into this capital of Washington to celebrate a grand victory, and, what was better, a peace founded on principles of truth as lasting as time.

"Most of our comrades went to their homes, but our work was not yet done. Out of the wrecks of the vast armies had to be created smaller ones adapted to the new condition of facts, and these had to be guided and directed so as to prepare the way for the inevitable result—subduing the Indian and making possible the settlement of the vast region west of the Missouri; to cover and protect the great railways which now connect the Atlantic with the Pacific, and bring those most valuable communities into more intimate relations with the remainder of our country. This, too, has been done in our day, and for your most valuable assistance in this connection I am greatly indebted to you. To deal in more particulars would swell this letter to an uncomfortable length, and I will only add that throughout our relations have been so confident that either could anticipate the action of the other without waiting for the conclusion.

"My career is now at an end, but there is no reason why you should not go on to the highest round of the ladder in our profession. I know your partiality to your own special branch; but you have had experience in all, and as to command men in battle is regarded by the world as the highest branch of the military art I would have you bear that in mind should the occasion arise in your life.

"Wishing you and yours all possible honor and happiness,

"I am, truly and sincerely, your friend,

"W. T. SHERMAN, General.

"Col. O. M. Poe, A. D. C.,

"Brevet Brigadier-General, United States Army."

Mr. PICKLER (interrupting the reading). Mr. Chairman, I think that is sufficient.

Mr. DINGLEY. Mr. Chairman, I should like to ask the chairman of the Committee on Invalid Pensions whether this rate of \$50 per month is not higher than the amount usually given to the widows of officers of this rank?

Mr. PICKLER. Yes; it is higher than is usually given.

Mr. DINGLEY. Is there any exceptional reason for raising the

amount in this case? It seems to me there ought to be some uniform rule in reference to these cases.

Mr. PICKLER. The gentleman who reported the bill [Mr. THOMAS] does not seem to be present. I was not in the committee when this bill was agreed to. I have to say, however, Mr. Chairman, that this officer rendered very distinguished services. This letter of General Sherman read by the Clerk shows that. I presume the distinguished services rendered by this officer constitute one reason why the bill was reported at this rate. In the cases of some brevet brigadier-generals who commanded a brigade under extraordinary circumstances pensions have been allowed at \$50 a month. I will say that this is above the ordinary amount that the committee recommend for officers of this rank.

Mr. HULICK. What would this lady be entitled to under the law?

Mr. PICKLER. Thirty dollars a month.

Mr. LOUD. She is getting \$30 a month now, is she not?

Mr. PICKLER. I do not know as to that.

Mr. CURTIS of New York. General Poe was one of the most distinguished engineer officers of the Western army.

Mr. CORLISS. There is no doubt about that.

Mr. MILNES. But his widow is no more distinguished than the widow of many other officers.

Mr. DINGLEY. I notice that in the case of Bvt. Brig. Gen. Ely S. Parker, which just passed the committee, we allowed \$30 per month, and that officer was of the same rank.

Mr. CURTIS of New York. But there was this difference: General Poe commanded troops. He was a staff officer, but he was in command of troops.

Mr. DINGLEY. There ought to be a general rule in respect to these pensions.

Mr. CURTIS of New York. General Parker's widow ought to have had \$50 a month instead of \$30; and the misfortune attached to that case ought not to be visited on this.

Mr. PICKLER. Vote!

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

The committee accordingly rose; and Mr. GROUT assumed the chair as Speaker pro tempore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. COX, its Secretary, announced that the Senate had passed with amendments a bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed 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. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendments disagreed to by the House, had asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) relating to the sale of unclaimed baggage and other property in the District of Columbia;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, Westerly, R. I., two condemned mounted brass cannon;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic post No. 573, of Evans City, Pa.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.; and

A bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the river and harbor appropriation bill, and that the request of the Senate for a conference be agreed to.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the Senate amendments to the river and harbor bill be nonconcurrent in by the House, and that the conference asked by the Senate be agreed to. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The committee will resume its session.

The committee resumed its session.

MRS. ELEANOR CARROLL POE.

Mr. TALBERT. Mr. Chairman—

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. TALBERT. I just desire to call the attention of the House to this inconsistency in its proceedings. Just a moment ago we passed a bill granting a pension of \$30 a month to the widow of a distinguished officer, Mrs. Parker. Now, you propose to give to the widow of another distinguished officer, Mrs. Poe, the sum of \$50 a month, \$20 more. I have endeavored in my weak way to try to come to some understanding and some common level in the granting of pensions to widows of distinguished officers. It seems to me now, sir, that you ought either to raise the one to \$50 or to reduce the other to \$30, or to reduce the one to \$40 and raise the other to \$40, and establish some precedent which will prevent this everlasting harangue about inconsistencies and discriminations.

Mr. McCLELLAN. The gentleman will remember that Colonel Parker was a lieutenant-colonel and General Poe a brigadier-general.

Mr. TALBERT. He was brevetted; they are all brevetted. Whether they ever served in that capacity under such a title or not we do not know. I submit, sir, that we ought to try to arrive at some common level, so as to stop this continual harangue about discriminations. I only desire to say this much. I do not propose to oppose \$50 if you agree upon that; but I submit that you ought to reduce this to \$30 or to raise the other to \$50, so as not to discriminate.

The CHAIRMAN. Debate on this bill is exhausted.

Mr. PICKLER. Mr. Chairman, I will only state that the Senate passed this bill at \$100, and we have cut it in half.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW R. LADD.

The next business on the Private Calendar was the bill (H. R. 6468) to increase the pension of Andrew R. Ladd.

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 now allowed and paid to Andrew R. Ladd so that he shall be allowed and paid the sum of \$16 a month. The said Andrew R. Ladd was a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry.

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

Strike out all after the word "to," in line 4, and insert the following: "Place on the pension roll the name of Andrew R. Ladd, late a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$12 per month, subject to the provisions and limitations of the act of June 27, 1890."

Mr. HENDERSON. I desire to offer an amendment to the committee amendment. I want to say for the information of the committee that the bill and amendment both have the letter of his company wrong. It is in the bill and the amendment "C." It should be "E." The purpose of my amendment is simply to make this correction.

The Clerk read as follows:

Strike out the letter "C," in line 9, and insert in lieu thereof the letter "E."

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Iowa will be agreed to.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, having carefully considered the evidence relating to the bill (H. R. 6468) to increase the pension of Andrew R. Ladd, report as follows:

This soldier served from September 16, 1863, to September 25, 1865. He filed a claim for pension under the general law January 26, 1889, and was pensioned from that date at \$4 per month for malarial poisoning. His claim for additional pension on account of injury of right shoulder was rejected August 30, 1894, on the ground of no record and claimant's alleged inability to show same incurred in line of duty by competent testimony.

Medical examination in 1893 rated him eight-eighths for piles, eight-eighths for injury of right shoulder and resulting rheumatism, and six-eighths for malarial poisoning, for which he is pensioned under the general law.

Your committee are of the opinion that this shows a degree of disability entitling the soldier to the rate of \$12 per month under the act of June 27, 1890, and they therefore recommend that the bill be amended by striking out all after the word "to," in line 5, and adding the words "place on the pension roll the name of Andrew R. Ladd, late a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension of \$12 per month, subject to the provisions and limitations of the act of June 27, 1890," and that as amended the bill do pass.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TALBERT. Mr. Chairman, I desire to ask the chairman of the committee a question. I see in the latter part of the report it says "pay him a pension at \$12 a month, subject to the provisions and limitations of the act of June 27, 1890." Why should you put that provision in? If he is to be subject to that law, does not the law itself say how much he shall get? I only ask for information.

Mr. PICKLER. He may not have served 90 days. He must show that to come under that law; and that the disease is not the result of his own vicious habits.

Mr. HENDERSON. The report shows that he served over two years.

Mr. TALBERT. It seems to me unnecessary to put in the amount if you make his pension subject to the provisions and limitations of that law.

Mr. HENDERSON. That is the usual form.

Mr. LOUD. Mr. Chairman, I would like to ask the chairman of the Committee on Invalid Pensions if this would not give this soldier \$18 a month pension? Would not the effect of this bill be to direct the Commissioner of Pensions or the Secretary of the Interior to place him on the pension rolls at \$12 a month. He is now on the pension rolls with some other rating, probably from \$4 to \$6 a month. Would not this give him a pension in addition to the amount that he now has?

Mr. PICKLER. That is not the intention of the committee. The law provides that a man can not receive more than one pension. If there is any ambiguity about it the gentleman can offer an amendment.

Mr. LOUD. I will offer as an amendment the words "in lieu of the pension that he is now receiving."

Mr. HENDERSON. I will agree to that.

The amendment was read, as follows:

Insert at the end of line 13: "Provided, That this shall be in lieu of any pension he is now receiving."

The amendment was adopted.

The amendment recommended by the committee as amended was agreed to.

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

MARY C. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 3755) to increase the pension of Mary C. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the pension of Mary C. Thompson, widow of Dr. Fillmore Thompson, deceased, be increased from the sum of \$12 per month to \$30 per month; and the Secretary of the Interior is hereby authorized and directed to place her on the roll at the increased rate of \$30 per month, in lieu of the rate of \$12.

Mr. MILNES. Let us have the report read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3755) granting an increase of pension of \$20 per month to Mary C. Thompson, widow of Dr. Fillmore Thompson, having carefully examined and considered all the facts and circumstances, respectfully report:

That at the breaking out of the rebellion Dr. Thompson resided at Hot Springs, in the State of Arkansas, and was a thorough and intense Unionist; that as such he secreted and assisted many persecuted and fleeing Union people, white and black; that owing to his loyalty he was obliged to seek refuge and protection within the Union lines at Little Rock, then occupied by Gen. Fred. Steele; that he was employed by General Steele as chief guide to his expedition to Camden, in the spring of 1864, for the purpose of cooperating with General Banks in his Louisiana campaign, and acted as such until the final return to Little Rock of said army upon its retreat.

The character and services of Dr. Thompson are clearly set forth in the following affidavit of Prof. J. B. Wheeler:

"Prof. J. B. Wheeler, of the United States Military Academy at West Point, N. Y., being duly sworn, deposes that he is a resident of West Point, N. Y., and is at the present time the professor of civil and military engineering in the United States Military Academy at that place.

"That during portions of the years 1863 and 1865 and the whole of the year 1864 he held the rank of captain in the Corps of Engineers in the United States Army, and during that time served as the chief military engineer of the United States troops serving in the State and Department of Arkansas.

"That as the chief engineer officer he accompanied the march of the expedition under Maj. Gen. Fred. Steele, which moved south in March, 1864, to cooperate with, and, if possible, to effect a junction with the United States forces under command of Maj. Gen. N. P. Banks, then moving toward Shreveport, on the Red River, in Louisiana.

"That during this march and the return he was daily thrown in contact with the principal guide, one Dr. F. Thompson, a former resident of Hot Springs, Ark., who had sought protection within the United States lines against violence from the inhabitants of that part of the State, with which he was threatened by reason of his well-known Union feelings.

"That from his personal knowledge he knows of the peculiar fitness of the said Thompson for the place of principal guide, and attributes largely the successful progress of the expedition, as far south as it proceeded, to said Thompson's thorough knowledge of the roads, the crossing of streams, and the sentiments and opinions of the inhabitants of that part of the country.

"That the return march of the expedition, followed as it was by a victorious enemy, who received a severe check at Jenkins Ferry, was greatly aided by the said Thompson's intimate acquaintance with the roads and character of the country used and crossed by the army in its retreat.

"That during this retreat all the members were more or less sufferers from fatigue and exposure.

"That shortly after the return of the expedition Dr. Thompson was taken sick and very soon thereafter died.

"That the deponent understood at the time of said Thompson's death that it, as well as the sickness, were largely, if not entirely, caused by the fatigues and exposures that said Thompson had undergone during the time he accompanied the expedition as its principal guide.

"J. B. WHEELER.

"Subscribed and sworn to before me this 15th day of September, A. D. 1874.
"SEAL] WM. WARD,

"Notary Public, New York."

Dr. Thompson, upon his return to Little Rock, was quite exhausted and prostrated, and appeared to be in a partially delirious condition, and shortly after his return was attacked by erysipelas, which caused his death. He was attended by several physicians, all of whom certify that the disease of which he died was, in their opinion, superinduced by the fatigue, exposure, and injuries incident to his service upon such expedition. The precise nature of the contract under which he acted as guide does not appear in evidence, though his widow—the petitioner—says that his services were paid to the time of his decease. Dr. Thompson left seven children, who, the petitioner says, were dependent upon her for support, their property being taken or destroyed.

Dr. Thompson participated in the battles of Prairie de Ann and Jenkins Ferry, and in many of the skirmishes in which the forces of General Steele were engaged on the expedition to Camden and return, and was wounded at the battle of Jenkins Ferry by the explosion of a shell, making a scalp wound on his face and head. According to the testimony of physicians who attended him, his death in June, 1864, shortly after the return of the expedition to Little Rock, Ark., was due to erysipelas and pneumonia, which resulted from the wound, hardships, and exposure endured in that campaign.

Had the claimant applied in time and made the proof which has been presented to the Pension Bureau, prior to 1874, she could have been pensioned under section 4693 of the Revised Statutes, but knowing her husband was not an enlisted soldier she did not apply.

Dr. Thompson was offered and declined a commission as brigadier-general

in the Confederate Army, and was afterwards conscripted, but escaped service by a plea of "over age."

The applicant was married to Dr. Thompson April 26, 1849, and is now in advanced years, and her pension of \$12 per month is too meager to give her a decent support, she being too infirm to earn her living by labor and having no other adequate means of maintenance.

Your committee therefore earnestly recommend the passage of the bill.

Mr. LOUD. Mr. Chairman, I would ask the chairman of the Committee on Invalid Pensions what rule of equity has been followed in this case. If this lady were allowed a pension as the widow of an assistant surgeon, she would be entitled, I think, to \$17 a month. If she were given a pension as the widow of a full surgeon, she would be entitled to \$25. Now, upon what basis of equity does the committee act in recommending a pension of \$20?

Mr. CROWTHER. It seems that this man was serving in the capacity of captain of scouts, or chief of guides, for the Army of the Southwest at the time this expedition took place, and he received wounds while so engaged.

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

SAMUEL HOLLIDAY.

The next business on the Private Calendar was the bill (H. R. 6546) granting a pension to Samuel Holliday.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Samuel Holliday, late of Company I, Thirty-ninth Iowa Infantry, and pay him a pension of \$30 per month.

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6546) granting a pension to Samuel Holliday, having carefully considered the facts in the case, respectfully report:

Samuel Holliday enlisted August 2, 1862, in Company I, Thirty-ninth Iowa Infantry, and was honorably discharged June 5, 1865.

On August 2, 1888, he applied for pension under the old law, alleging disabilities contracted in the line of duty. He sustained his declaration by the affidavits of three physicians to the effect that he was totally incapacitated, and that the disabilities were of service origin. Two examining boards found him entitled to a rating of fourteen-eighteenths. He was allowed a pension of \$2, however, to date from the time of filing.

Thereafter he applied under the act of June 27, 1890, and his claim was approved for admission on May 4, 1894, but the medical referee rejected the same on the ground of no pensionable degree of disability. The last examining board reports him "unfit for any manual labor."

It appears from the evidence that in December, 1862, while on the march, the soldier was taken very sick, and that he was left behind and was captured by the enemy. After being held a prisoner for eight or nine months, suffering from scurvy and parotitis and exposed to the elements, with such care and attention as might be expected of a foe, he managed to rejoin his regiment, and then served out the balance of his time. It further appears, as a result of these diseases and hardships, that he has been unable to perform any labor for the past twelve or fifteen years.

In the opinion of your committee the claim is a very meritorious one, and we respectfully recommend the passage of the bill, with the following amendments:

In line 5, after the word "late," insert "sergeant."

In line 6 strike out the word "thirty" and insert in lieu thereof the words "twenty-four."

The amendments recommended in the report were agreed to.

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

WILBUR F. COGSWELL.

The next business on the Private Calendar was the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell.

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 Wilbur F. Cogswell, late an assistant engineer in the United States Navy, at the rate of \$50 per month, to commence February 4, 1892, deducting the amount paid him since that date.

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, having carefully considered the same, respectfully report:

Wilbur F. Cogswell served in the United States Navy from January 23, 1863, to September 13, 1863, when he was discharged for disability. His disability consisted of fracture of the skull incurred in line of duty, for which he was pensioned at \$8 per month from date of incurrence. This rate was increased from time to time until February 23, 1887, when he was allowed \$50 per month for dementia, and because he required the frequent aid and attendance of another person. His pension, however, was afterwards reduced to \$30, to take effect February 4, 1892, on the ground that he could take care of himself. Thereafter the pensioner filed claim for dementia, fistula, piles, and rheumatism. On this claim the Pension Office, January 17, 1896, reports:

"The pensioner has been informed that his pension of \$30, for dementia, is fully commensurate with the degree of disability arising from said cause, and that his claim on account of rheumatism and disease of rectum requires testimony showing origin in the service at date of discharge and since, but that if said disabilities were established it would not increase his rate of pension to more than \$30, the amount he now receives."

Many affidavits are on file showing that this man does in fact require the frequent aid and attendance of another person, and on the case made he would be clearly entitled to \$50 per month under the law.

Your committee therefore respectfully recommend the passage of the bill with the following amendment:

In line 7 strike out all after the word "month."

The amendment recommended in the report was agreed to.

Mr. ERDMAN. Mr. Chairman, there is something lacking in this report which I think ought to be supplied by a little statement. There ought to be some severe language used against Mr. Bussey and Mr. Raun for reducing this man's pension from \$50 to \$30 a month. It does not look well to omit that, but our reports are cut down at the instance of the chairman of the committee, so that these important elements are frequently left out. I must express my sympathy with this poor soldier who had his pension reduced from \$50 to \$30 a month, and why the report does not blame Mr. Bussey and Mr. Raun for it I fail to understand. Something ought to be put into the RECORD to show that they are responsible for this. [Laughter.]

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

ALFRED P. BUSS.

The next business on the Private Calendar was the bill (H. R. 2941) granting increase of pension to Alfred P. Buss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred P. Buss, of Springfield, Mass., and pay him a pension at the rate of \$90 per month, in lieu of the pension he now receives. Alfred P. Buss served in the Army of the United States during the late war, in Company D, Fourth Massachusetts Heavy Artillery, and this increase of pension is asked on account of total disability to perform manual labor.

An amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out, beginning with the words "of Springfield," in line 6, down to and including "manual labor," in line 12, and insert "late private, Company D, Fourth Regiment Massachusetts Heavy Artillery, at the rate of \$90 per month."

The amendment was agreed to.

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

ALBERT BUCK.

The next business on the Private Calendar was the bill (H. R. 3389) increasing pension of Albert Buck from \$12 to \$30 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension roll the name of Albert Buck, late a private in Company K, One hundred and first Regiment of Illinois Infantry Volunteers, at the rate of \$30 per month instead of \$12 per month, which he is now drawing under act of Congress of June 27, A. D. 1890.

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3389) increasing pension of Albert Buck from \$12 to \$30 per month, submit the following report:

The committee have examined the evidence in this case, as well as a report from the Pension Office, and find the following facts to exist, without dispute or controversy:

This soldier enlisted in Company K, One hundred and first Illinois Volunteers, August 22, 1862, and was mustered out at the end of the war, June 7, 1865. He was in good health when he entered the service, and, so far as the evidence shows, in good health when mustered out. He never lost a day during his entire service; he never missed a skirmish or battle in which his regiment was engaged; he never was in a hospital except to go occasionally to see a sick or wounded comrade.

Some years since, in a runaway accident, his right knee was crushed. His leg is entirely disabled, and therefrom he is totally incapacitated for manual labor. He is poor, and the pension of \$12 he is now drawing under act of June 27, 1890, is insufficient for his support.

In view of the faithful services of this private and his need, the committee recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, I am surprised that the gentleman who asked for the reading of this report does not say something about it after having it read. Here is a soldier who is drawing a pension of \$12 a month, granted to him under the law, and no doubt rightly and properly granted. Nobody objects to that. The latter part of this report, however, says that—

Some years since, in a runaway accident, his right knee was crushed. His leg is entirely disabled, and therefrom he is totally incapacitated for manual labor. He is poor, and the pension of \$12 he is now drawing under act of June 27, 1890, is insufficient for his support.

Now, Mr. Chairman, I submit that it is not right or proper that this soldier should receive an increase of pension on account of the fact that he happened to get into a runaway scrape and got his leg hurt. That was his misfortune, for which we are all very sorry, but the report puts this proposed increase of pension on the ground of charity. Now, gentlemen, if you desire to increase this man's pension from \$12 to \$30 a month, do so, but do not do it under the pretended head of "pension legislation," because it is not that; it is simply a piece of charity.

Mr. WOOD. Mr. Chairman, I desire to call the attention of the committee to this very remarkable case. This soldier was in good health at the time he enlisted; he was in good health at the time he was discharged. There is no pretense to the contrary. During all the time of his service he never missed a roll call, he never missed a skirmish or an engagement in which his regiment participated. He never was in the hospital a single minute except to go to see some sick comrade who was there.

We have been engaged—

Mr. TALBERT. Will the gentleman allow me a question?

Mr. WOOD. Yes; if the gentleman will not take much time.

Mr. TALBERT. If we establish this precedent, is every old soldier now drawing a pension to have his pension increased if he accidentally gets hurt? What will such a precedent cost us? What will it lead to?

Mr. WOOD. I was approaching the point which the gentleman's question involves. We have been pensioning in this House officers for distinguished services. I ask now whether we can not pension a private soldier for the most distinguished service that any man can render to his country—the distinction of having been always present, always on duty, always ready to discharge his duty. Now, when this faithful soldier is absolutely disabled, I ask whether his meritorious services shall not have some weight with the Representatives in Congress in favor of a bill providing this man some means for taking care of himself in his old age?

Thirty dollars a month is the amount which this man would receive under the regular law for total incapacity; and that is the sum fixed in this bill. I have no special knowledge about the circumstances of the case. The bill was introduced by my colleague [Mr. DOWNING]. But while examining the records in the Pension Office my attention was attracted by the very meritorious and distinguished service which this soldier had rendered. If we vote down his bill, we apply to a private soldier a different principle from that which we apply to an officer of high rank.

Mr. POWERS. Mr. Chairman, if I understand this report aright, it is proposed to pension this soldier, not on account of any disability incurred by him by reason of his service in the Army, but because of a runaway accident that happened to him a few years ago. Now, if you pension him on such a ground, and I should break my leg in a runaway accident, would I have the same claim to a pension that this man has?

Mr. LOUD. Certainly, if you could get it.

Mr. PICKLER. In reply to the gentleman from Vermont [Mr. POWERS] allow me to say that, not only in this Congress, but in other Congresses in years past, where a particularly deserving case has been presented, where it has appeared that a man who has served as a soldier was helpless and wholly incapacitated for manual labor, we have made exceptions. Gentlemen will observe that this is the case of a private soldier; and \$30 a month is the amount which would be allowed under the law for total incapacity. Now, neither this Congress nor any other Congress has ever held any such destitute soldier down to the strict letter of the law and required that the disabling injury must have been incurred in the service. In these cases, where the applicant is particularly destitute, not only this committee, but other committees have gone to the extent of placing the applicant upon the same footing which he would occupy if he could prove up his case in the Pension Office. We believe this is one of those deserving cases.

Mr. WOOD. If this man had been a brigadier-general we would pension him at \$75 or \$100 a month.

The CHAIRMAN. The question is on laying the bill aside to be favorably reported to the House.

The question being taken; there were on a division (called for by Mr. TALBERT)—ayes 59, noes 10.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). There are 120 members present; the ayes have it; and the bill is ordered to be laid aside to be reported favorably.

LEMUEL J. ESSEX.

The next business was the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Lemuel J. Essex, late of Company B, Eighty-seventh Indiana Infantry, at the rate of \$30 per month in lieu of the pension that he is now receiving.

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

In line 6 strike out "thirty" and insert "twenty-four"; so as to make the amount of pension \$24 per month.

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex, having examined the evidence submitted in this case, as also the files in the Pension Office, find—

This soldier enlisted in Company B, Eighty-seventh Indiana, August 4, 1862, for three years; was discharged March 3, 1863, for disability. He was subjected to a rigid medical examination on muster. He appears to have done regular duty as a soldier until October 20, 1862. About October 1, 1862, he contracted disease—diarrhea—which became chronic, and followed by imperfect vision, disease of rectum, and piles. For these diseases he was pensioned at \$2 from March 4, 1863, and \$4 from November 2, 1867, and \$8 from June 15, 1868, and \$10 from May 21, 1890, and \$12 from July 10, 1890, which he is now drawing. He subsequently, on September 10, 1864, enlisted for one year in Company I, One hundred and seventy-fourth Ohio Volunteers, and was discharged by end of war June 28, 1865. He is now, and has been for some years, suffering from paralysis, or locomotor ataxia, and from disease of back and spine. He is very poor and is totally disabled from manual labor, and his last medical examination, September 13, 1893, shows his disabilities fully equal to the loss of hand or foot. He has made application for increase, but

has been rejected. The Pension Bureau decline to accept the disease of back and spine as incident to the service, claiming it was the result of sickness at the age of 5 years.

The only basis for the contention of disease prior to enlistment rests on the soldier's discharge. It was made out by his captain, who at the time was temporarily sick, the company being in command of the first lieutenant. The soldier was then with his regiment. The discharge states "he is defective in his back and hips, which causes him to stagger and reel as he walks; the soldier was in this condition at the time of his enlistment." The second assistant surgeon certifies that the soldier was incapable of performing service "because of an injury to the spine received in early childhood."

The committee have searched in vain for any evidence that soldier ever received an injury to spine in early childhood. On the contrary, five witnesses who knew him prior to the war, two of whom knew him from childhood and two who lived with him in same house from 1853 to his enlistment, testify to his sound health prior to enlistment. All the evidence of sickness from childhood is from claimant himself, who says all he knows of it is that his mother told him he was very sick at the age of five years; that he was a puny child until about eight years of age, when he became as strong as other children.

The surgeon who certified to an injury to back and spine evidently knew nothing about it, for he has since made affidavit that soldier became sick from diarrhea in November and December, 1862, which became chronic; that he was reduced in flesh and a walking skeleton, and was discharged for that reason. The lieutenant in command when he was discharged swears to the soldier's being sick with some disease unknown to him, his symptoms being diarrhea, staggering gait, and imperfect vision, and that he procured his discharge, during the captain's short illness, to save soldier's life.

The evidence of claimant shows that the diseases, imperfect vision and locomotor ataxia, came upon soldier very suddenly, and have since been steadily growing. The only witness was a comrade who helped soldier to his tent. This soldier was afterwards killed in the battle of Chickamauga.

The committee, in view of the evidence, believe that the disease from which claimant is now suffering is of service origin, and recommend the passage of the bill with the following amendment:

Strike out of line 6 the word "thirty" and insert in lieu thereof the word "twenty-four."

The question being taken, the amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

VISITORS TO NAVAL ACADEMY.

The committee rose informally, when

The SPEAKER announced the appointment of Mr. ROBINSON of Pennsylvania, Mr. Low of New York, and Mr. MEYER of Louisiana as visitors to the Naval Academy.

CARRIE H. GREENE.

The Committee of the Whole House resumed its session.

The next business was the bill (H. R. 3395) granting a pension to Carrie H. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Carrie H. Greene, of Lee County, Ala., widow of John W. Greene, late member of Captain Jones's company of Georgia Volunteers, Indian war of 1836, subject to all of the conditions of the act of July 27, 1892.

Mr. HARRISON. Mr. Chairman, this is a meritorious bill. A bill in similar terms passed this House in the Fifty-third Congress, was favorably reported by the Committee on Pensions of the Senate, and failed to become a law simply for want of time. The facts of the case are clearly and briefly set forth in the report of the committee, which I ask may be read.

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

The Committee on Pensions, to whom was referred the bill (H. R. 3395) granting a pension to Carrie H. Greene, have considered the same, and respectfully report as follows:

The claimant is the widow of John W. Greene, late a private in Capt. S. A. H. Jones's company of Georgia Volunteers in the Creek Indian war of 1836.

The soldier in his lifetime made application for a pension under the Indian war act of July 27, 1892, and the records showing that, including fifteen days' travel, he served forty-two days in said war, his claim was allowed, and he remained on the roll until his death on October 29, 1893.

This widow, the beneficiary, then made application under the act referred to, but the fifteen days' travel included in the soldier's case was not allowed in her claim by the Department, and her application was rejected on the ground of insufficient service. The reason for this was that, subsequent to the allowance of the soldier's claim, departmental decisions in what is known as the "Blazer and Bailey" cases declined to accept time consumed in travel to and from the rendezvous of the organization at the time of enlistment and discharge.

As stated above, it is conceded in the soldier's case by the Department that, including the fifteen days' travel referred to above, the period of his service was twelve days more than is required to give title under the general act granting pensions to Indian war veterans and their widows.

Mrs. Greene was married to the soldier in 1856. She is now well advanced in years, an invalid, and wholly unable to do anything toward earning a support; and the pension carried by the bill is greatly needed to provide her a comfortable maintenance.

The passage of the bill is respectfully recommended.

The CHAIRMAN. The question is on laying aside the bill to be reported favorably to the House.

Mr. MILNES. Mr. Chairman, I desire to call attention to the facts in this case. If I understand them correctly from the report, this soldier served but forty-two days, all told. The entire term of service claimed for him, including everything, is forty-two days. It appears that the woman whom we are now asked to pension as his widow married him twenty years after the close of that war.

Mr. HARRISON. No, sir; I do not so understand.

Mr. MILNES. As I understand the report, she married him in 1856, and the war in which he served was fought in 1836.

A MEMBER. What war?

Mr. MILNES. Some Indian war. And now, sixty years after the close of that war, this woman, who married the soldier twenty

years after the military service was rendered, comes before this Congress and asks to be pensioned.

Mr. ALLEN of Utah. Do I understand the gentleman to complain because she has waited for sixty years before applying for a pension?

Mr. MILNES. I do not think that the widow of a soldier who married him twenty years after he performed the military service is as deserving of a pension as a widow who was the wife of the soldier during his term of service. I think there is a clear distinction in that respect. It seems to me that we ought not to pass this class of bills, and that the country is not calling for them and will not support this Congress in passing them. For one, I desire to enter my protest against it.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH J. COOK.

The next business on the Private Calendar was the bill (H. R. 4755) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert Cook.

Mr. McRAE. Mr. Chairman, I ask unanimous consent to consider Senate bill 125 instead of the House bill. It is identical with the House bill which has been reached on the Calendar.

Mr. LOUD. I hope the gentleman will allow the House bill to be read first, to see if it has got any merits.

Mr. McRAE. Of course I have no objection to its being read; but it is unnecessary, as the two bills are identical and the reading of the Senate bill will accomplish the object the gentleman has in view.

The CHAIRMAN. Is there objection to the substitution of the Senate bill for the House bill?

Mr. LOUD. I will object until the House bill is read; not afterwards.

The CHAIRMAN. The Clerk will report the House bill.

The bill was read at length.

Mr. LOUD. Now, let me ask the gentleman why is the beneficiary in this bill not entitled to a pension under the general law?

Mr. McRAE. For the reason that the records of the War Department do not show the service of the soldier. That service, however, has been clearly proven by an officer of the company in which he served. The committee find that the proof is convincing that the soldier served as alleged.

Mr. LOUD. He did not serve the requisite number of days. Is that the trouble?

Mr. McRAE. No; he served six or seven months. There is no question as to the length of the service.

Mr. LOUD. But there is no record of service?

Mr. McRAE. Not in the Department, but the proof is clearly made by Lieut. John C. Peay and other witnesses. There is no question as to the service. These men who have testified are of the highest character and the service notorious. I know the witnesses and applicant personally, and there can be no doubt about the truth of the facts stated by them. The lady herself is an educated, worthy lady and of one of the most distinguished families in our State. She was married to him before the service and is incapable of making a false claim.

Mr. HULICK. What is the rate of pension fixed by the Senate bill?

Mr. McRAE. The bill passed for \$12 a month, but the House committee recommends that it be reduced to \$8 a month, just as was done with the House bill.

Mr. HULICK. I understand the request of the gentleman is to substitute the Senate bill for the House bill?

Mr. McRAE. Yes; but that request, if granted, will carry with it the consideration of the amendment proposed to the Senate bill, which is to reduce the amount to \$8 a month.

Mr. HULICK. How will that avail anything in the way of expediting the bill, if it be amended in the House? It will have to go back to the Senate anyhow.

Mr. McRAE. Certainly; but I expect that the Senate will concur in it without action by the Senate committee.

Mr. HULICK. Why not pass the House bill and let it go to the Senate for adoption?

Mr. LOUDENSLAGER. The Senate bill as amended is \$8 a month.

Mr. McRAE. It is identical with the House bill, and the same amendment is pending to each.

Mr. HULICK. I beg the gentleman's pardon. I misunderstood. I thought the Senate bill was \$12 a month.

Mr. McRAE. It is \$12 a month in the bill, but the House committee has recommended a reduction of the amount fixed in the bill to \$8 a month, and I presume that amendment will be adopted to either bill that may be considered.

Mr. HULICK. But I understood the gentleman from New Jersey to say that the Senate bill was \$8 a month.

Mr. LOUDENSLAGER. The House committee recommends that it be reduced to that sum.

Mr. DINGLEY. Does the gentleman think he will be able to hold down that reduction if it goes back to the Senate?

Mr. LOUDENSLAGER. I think there is no doubt of that. We will endeavor to do it with the best of our ability. These bills have been reduced in every instance to \$8.

Mr. MCRAE. And I will state to the gentleman that, so far as I can control it, I will ask the Senate to concur in the House amendment without any conference, because I understand that the House Committee on Pensions will not consent to any higher rate. I prefer \$8 to nothing for this deserving widow.

Mr. LOUDENSLAGER. That has been the action of the committee in all of these cases.

The CHAIRMAN. Unanimous consent is asked to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook.

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 Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, who, at the town of Washington, Hempstead County, Ark., in the month of July, 1846, volunteered and served as a United States soldier in the war with Mexico in the First Arkansas Mounted Infantry Volunteers, and pay her a pension of \$12 per month.

The CHAIRMAN. The Clerk will report the amendment proposed by the House committee.

The Clerk read as follows:

In line 10 strike out the word "twelve" and insert "eight"; so that it will read "\$8 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. In the absence of objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection.

MARY ANN LAFFERTY.

The next business on the Private Calendar was the bill (H. R. 717) granting a pension to Mary Ann Lafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension roll of the United States of America the name of Mary Ann Lafferty, the surviving widow of Patrick B. Lafferty, deceased, private in Captain Crawford's company, Second Regiment Tennessee Volunteer M. G. Men, Col. Thomas Williamson commanding, in Seminole Indian war, 1818, at the rate of \$8 per month, according to the rules and regulations governing pensions.

Mr. DINGLEY. Let us have the report.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 717) granting a pension to Mary Ann Lafferty, have considered the same, and respectfully report as follows:

The claimant's deceased husband, Patrick B. Lafferty, is shown by the records of the Second Auditor's Office, Treasury Department, to have served from January 31, 1818, to June 30, 1818, in Capt. Samuel Crawford's company, Second Tennessee M. G. Volunteers, in the Seminole Indian war. In addition to the official record your committee also had before them the soldier's certificate of discharge from said service.

Patrick B. Lafferty died in 1877. His widow, the beneficiary, is extremely old and in dependent circumstances. These facts are sworn to by James P. Baird, of Nashville, Tenn., and William C. Baird, of Hickman County, Tenn., who knew the soldier and have known his widow for many years. Mrs. Lafferty resides at Nashville, Tenn.

The Indian war act passed July 27, 1892, does not reach this case because that act has reference only to the wars from 1832 to 1842, and this claimant's husband served in 1818. Hence the only method of relief open to Mrs. Lafferty at this time lies in a special act of Congress, and your committee, believing the bill to be meritorious, return the same to the House with the recommendation that it do pass.

Amend by striking out the word "twelve," in line 9, and substituting therefor the word "eight," so as to fix the rate of pension at \$8 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HELEN LARNED.

The next business on the Private Calendar was the bill (H. R. 6607) for the relief of Helen Larned.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$50 per month, the name of Helen Larned, widow of the late Frank H. Larned, captain Second Regiment United States Artillery, and pay her a pension on and after the passage of this act.

Mr. TALBERT. I ask for the reading of the report.

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

The Committee on Pensions, to whom was referred the bill (H. R. 6607) granting a pension to Helen Larned, had had the same under consideration, and report:

Mrs. Larned is the widow of Frank H. Larned, late major First United States Artillery, who entered the service as a second lieutenant of infantry March 8, 1847; promoted to first lieutenant July 1, 1852; to captain April 28, 1861, and to major of artillery January 3, 1867. He was retired from active service on account of disability February 6, 1867, and died January 8, 1891, at

Baltimore, Md., of "cancer of the bladder, following the removal of a tumor of long growth, the immediate cause of death being septicæmia and uræmia."

The diseases on account of which he was retired from the service are shown by the official records to have been disease of the eyes and chronic diarrhea, originating from exposure in line of duty.

During the period of his service Major Larned rendered gallant and meritorious service in the war with Mexico and subsequently in the war of the rebellion.

His widow's claim for pension under the general laws, filed March 2, 1891, was disallowed by the Pension Bureau February 11, 1892, on the ground of the claimant's inability to connect the cause of his death with the service, the said disease being of a very obscure nature and difficult of proof.

Hon. Herman Stump certifies that Mrs. Larned was left by the death of her husband without property of any kind, and that she is dependent upon others for her support.

In view of the long and distinguished service of the soldier, embracing two wars, and in the light of the dependent condition of his widow, your committee recommend the passage of the bill with an amendment fixing the rate of pension at \$25 per month, the same being the rate allowed by the general laws for widows of soldiers of the rank of major.

Amend by striking out the words "captain Second," in line 6, and substituting therefor the words "major First."

The amendments recommended by the committee were agreed to. The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JACOB BROWN.

The next business on the Private Calendar was the bill (H. R. 6556) granting a pension to Jacob Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Jacob Brown, late of Company A, Fifteenth Iowa Infantry, and pay him a pension of \$24 a month.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, after the word "late," insert "a private."

In line 6 strike out "twenty-four" and insert "thirty."

Mr. DINGLEY. Let the report be read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Maine.

Mr. PICKLER. Mr. Chairman—

Mr. DINGLEY. Or the gentleman from South Dakota can make a statement of the case.

Mr. PICKLER. This report shows that the claimant is now 73 years of age, totally disabled, and nearly blind; has been unable to do any kind of work for the past twelve or fifteen years, and is dependent on a pension of \$12, which he draws under the act of June 27, 1890. He still carries in his shoulder the memento of the battle of Shiloh.

He states, under oath, that his hernia and rheumatism were incurred and contracted in the line of duty, but can not locate any of his comrades who have knowledge of this fact. The evidence shows, however, that he is a man of exemplary habits, very truthful, and of excellent character, and an allegation coming from him under existing circumstances is in the nature of an ante-mortem statement. He is totally incapacitated, and while he swears that this disease was contracted in the service, he can not substantiate that fact to the satisfaction of the Pension Office by the testimony of comrades. I think it is a very meritorious case.

Mr. ERDMAN. Mr. Chairman, this is a very good report to skip—an exceedingly good report to omit.

Mr. PICKLER. I call for the reading of the report, Mr. Chairman.

Mr. ERDMAN. The gentleman is not on the floor now, and I want to call the attention of the committee to the fact that this poor soldier has been struggling along through Republican Administrations from 1863 with a pension of \$6 per month. He has made repeated applications to Republican Administrations, and Republican Administrations have repeatedly turned him down. Now he comes to Congress for relief. It is a very good report indeed to omit.

Mr. PICKLER. Mr. Chairman, I call for the reading of the report now, and we will see whose judgment is correct.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6556) granting a pension to Jacob Brown, having carefully considered the facts in the case, respectfully report:

The beneficiary named in the bill enlisted in Company A, Fifteenth Iowa Volunteer Infantry, November 16, 1861. At the battle of Shiloh (April 20, 1862) his right shoulder was shattered by a musket ball and he was sent to hospital, where he remained under treatment until October 4 of the same year, when discharged on certificate of disability. A pension of \$6 per month was granted him from date of discharge.

June 23, 1863, the examining surgeon reports:

"I find the clavicle of the right shoulder has been badly shattered, and no evidence of ball having passed through, but must remain. The shoulder is very much stiffened."

This soldier was several times examined, and on February 6, 1878, a report shows:

"Ball struck about an inch from the sternal end of the clavicle, fracturing it, and it is now much flattened, with a depression nearly through it."

Again, on September 2, 1885, another board finds:

"Cataract of both eyes. * * * We do not know the rating for disease of eyes, but give the state of his vision, etc., as presented. * * * Three-fourths total rating for disability caused by gunshot wound of right shoulder."

On May 5, 1890, he applied for increase, and the medical evidence in support of his claim shows that his condition was as follows:

"Gunshot wound of right clavicle, which resulted in fracture of said clavicle, with an adherent scar and very painful. Also suffering with varicose veins of both limbs; tendency to ulceration. * * * Also rheumatism of kneejoint. * * * Also find inguinal hernia, oblique and complete. Also find cataract of both eyes. This man is unable to perform any part of a day's labor whatever."

On June 18, 1890, the examining board, after stating the condition of the gunshot wound in shoulder, reports:

"We also find right inguinal hernia complete * * * so bad that it can not be controlled by truss; find also varicose veins in both limbs from both knees down; also find rheumatism in left kneejoint, very much enlarged on comparative measurement. * * * Both eyes, senile pannus. Second grade."

This board gives him a rating of twenty-six eightieths, and on November 4, 1891, another examining board rates him at thirty-two eightieths.

The soldier served also in the war of 1846, and appears to have participated in most of the engagements from Vera Cruz to the City of Mexico. He was duly pensioned as a survivor of that war under the act of January 19, 1887.

The claimant is now 73 years of age, totally disabled, and nearly blind; has been unable to do any kind of work for the past twelve or fifteen years, and is dependent on a pension of \$12, which he draws under the act of June 27, 1890. He still carries in his shoulder the memento of the battle of Shiloh.

He states under oath that his hernia and rheumatism were incurred and contracted in the line of duty, but can not locate any of his comrades who have knowledge of this fact. The evidence shows, however, that he is a man of exemplary habits, very truthful, and of excellent character, and an allegation coming from him under existing circumstances is in the nature of an ante-mortem statement.

Your committee believe that this claim is unusually full of merit. We will give the veteran the benefit of the doubt, and respectfully recommend the passage of the bill with the following amendment:

In line 5, after the word "late," insert "a private."
In line 6 strike out "twenty-four" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

T. CLARKSON INGALLS.

The next business on the Private Calendar was the bill (S. 144) granting an increase of pension to T. Clarkson Ingalls.

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 T. Clarkson Ingalls, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$50 per month, in lieu of that he is now receiving.

Mr. DINGLEY. Mr. Chairman, let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 144) granting an increase of pension to T. Clarkson Ingalls, having carefully considered the same, adopt the accompanying Senate report (No. 166) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 166, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 144) granting an increase of pension to Theophilus C. Ingalls, have examined the same and report:

Mr. Ingalls's father was a soldier in the war of 1812, and he was one of three brothers who enlisted in the late war, all of whom had honorable military records. Claimant enlisted August 13, 1862, in his sixteenth year, and was discharged from Hilton Head Hospital June 8, 1865. It is said that soldier might have been pensioned at any time after the close of the war, but he was a patriotic man and did not make application for pension, preferring to earn an independent support for himself and family. Later on, however, he suffered greatly from rheumatism, paralysis of the optic nerve of the right eye supervening, which greatly interfered with his ability to earn a living.

In this emergency he applied for pension under the act of June 27, 1890, which was granted at the rate of \$12 per month from June 3, 1891, for rheumatism and loss of vision of right eye. Since that time these disabilities have gradually increased, until now soldier is entirely blind, being led about the village by a small boy. He is also in very straitened circumstances, with no possible relief in the future.

A petition from the leading citizens of Derry, N. H., where soldier resides, has been filed with your committee setting forth the soldier's necessities and praying that his pension may be increased.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MELITA E. WHITE.

The next business on the Private Calendar was the bill (H. R. 7212) to increase the pension of Melita E. White.

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 otherwise to the provisions and limitations of the pension laws, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry, and pay her a pension of \$42 per month.

Mr. HULICK. Mr. Chairman, I call for the reading of the report in that case.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5338) for the relief of Ann Eliza White, having carefully considered the same, respectfully report:

The beneficiary named in the bill is the dependent and permanently helpless daughter of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry. The soldier served in the war with Mexico, and also during the rebellion. He enlisted October 1, 1861, and was honorably discharged July 11, 1864. September 30, 1871, he died from disabilities contracted in line of duty.

The evidence shows that the claimant has been afflicted with curvature of spine since childhood, being wholly unable to take care of herself or earn a support, being entirely dependent upon her mother. September 6, 1890, she filed application under the act of June 27 of that year as permanently help-

less, but on October 21, 1891, the claim was rejected because the applicant was more than 16 years of age at the date of the passage of said act.

The soldier's widow is now drawing a pension of \$30 under the general law, but she has little or no property, is extremely feeble, and is likely to die very suddenly at any time.

Your committee do not believe it was the purpose of the act of June 27, 1890, to forever bar the permanently helpless child of a gallant soldier because the unfortunate happened to be over 16 years of age on the day the law was enacted, and several favorable reports have been made on bills introduced to correct this statutory discrimination. We think the case a very meritorious one, and, in view of all the facts, respectfully recommend the passage of the following substitute for the bill:

"A bill to increase the pension of Melita E. White.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry, and pay her a pension of \$42 per month."

Mr. HULICK. Mr. Chairman, I offer an amendment to that bill, which amendment I send to the Clerk's desk to be read. Before the reading of the amendment I wish to state that this bill is a substitute for one that I offered in behalf of this helpless child. The original bill was to pay her a pension, but the committee thought it the wiser plan to offer a substitute, and have the money paid to the widow, to increase her pension for the benefit of this helpless child. The substitute, therefore, is before the committee for consideration. I offer the amendment now, in view of the fact that the mother is very feeble, and if the daughter were to outlive the mother the pension would cease at the death of the mother. That ought not to be the case and was not the intention of the committee. Upon calling the attention of the gentleman from Ohio [Mr. LAYTON], the member of the subcommittee who had the bill in charge, to this phase of the case, he suggested that there be an amendment, and so I offer this amendment, which I ask the Clerk to read.

The amendment was read, as follows:

Insert in line 8, after the word "month," the following:
"And at the death of the said Melita E. White 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 Ann Eliza White, the dependent and permanently helpless daughter of the said Carr B. White, deceased, and pay her a pension of \$20 per month."

Mr. PICKLER. Suppose she dies first?

Mr. HULICK. Then the pension would cease.

Mr. LOUD. Mr. Chairman, I raise a point of order. This amendment seeks to provide for a contingency that I do not think Congress has the power to provide for in the bill now under consideration.

Mr. DINGLEY. It is ingrafting one private bill upon another, really.

Mr. HULICK. Yes; but the substitute really makes ineffective the original bill, which was introduced for the benefit of this helpless daughter.

She was over 16 years of age at the date of the passage of the law of 1890. She was a few months over the age, and for that reason is not entitled to pension.

Mr. PICKLER. The reason why the committee reported the bill as it has is to avoid the objection of the statute that two pensions shall not be paid at the same time for the same service.

Mr. HULICK. This would not be two pensions at the same time for the same service. It is not to go into effect until the death of the mother. The pension is thereafter to be given to the daughter.

Mr. PICKLER. I do not think I have any objection.

Mr. HULICK. This daughter is a helpless invalid, and will always be during her life. The mother is very feeble and doubtless this daughter will be left, if this bill passes in its present shape, on the death of her mother, without friends, without money, and without pension, and therefore I have suggested the amendment, which I think is not subject to the objection.

The CHAIRMAN (Mr. DALZELL). The Chair sustains the point of order. It is not in order to ingraft upon a bill providing for one beneficiary a provision for another.

The bill was ordered to be laid aside with a favorable recommendation.

MARY ARNOLD.

The next business on the Private Calendar was the bill (H. R. 4548) granting a pension to Mary Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Arnold, of Unadilla, Neb., mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia.

The amendments recommended by the committee were read, as follows:

Amend by making the title of the bill read "Mary L. Arnold," instead of "Mary Arnold," and that all after the enacting clause be stricken out and the following substituted therefor:

"That the Secretary of the Interior be, and he is hereby is, authorized and directed to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and pay her a pension of \$12 per month."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. DINGLEY. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment again, without objection.

The amendment recommended by the committee was again reported.

Mr. DINGLEY. What is substituted for it?

The CHAIRMAN. The Clerk has just reported the substitute.

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4548) granting a pension of \$12 per month to Mary L. Arnold, mother of Isaac Arnold, late of Company B, Thompson's Six Months Missouri State Militia, having carefully considered the same, respectfully report as follows:

The soldier enlisted as a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and served from October 14, 1861, to February 11, 1862, and died February 25, 1862. The soldier was in hospital sick when he was mustered out, and died before reaching home. There is no question about his having contracted his fatal illness in the service. The evidence shows that three sons and the husband of the claimant, Mary L. Arnold, enlisted in the Union Army; that she herself rendered valuable services to the country during the late civil war. She filed an application for a pension November 29, 1890, which was rejected January 28, 1895, on the ground that the organization in which soldier's services were rendered was a State organization, not in the United States service, and that under the present laws and practice can not be allowed by the Pension Bureau.

The testimony shows, and the Commissioner reports, that the testimony on file in the Pension Office establishes the fact that she has no property other than her labor. She is now 72 years of age. The soldier was a single man at the time of his death and at the time of his enlistment.

Your committee recommend that the bill be amended by making the title of the bill read "Mary L. Arnold" instead of "Mary Arnold," and that all after the enacting clause be stricken out and the following substituted therefor:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months' Missouri State Militia, and pay her a pension of \$12 per month."

And that the bill as so amended do pass.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. DINGLEY. I would like to ask the chairman of the committee a question. This seems to be the case of the widow of a soldier not mustered into the United States service, one of the Missouri militia. There is no general law providing a pension for those who were not so mustered in.

Mr. PICKLER. No, sir.

Mr. DINGLEY. Have there been instances where they have been pensioned?

Mr. PICKLER. Oh, yes; there have been frequent instances. This is in the line of precedent, and we have reported a general bill to cover these cases.

Mr. DINGLEY. Was he in the service ninety days?

Mr. STRODE of Nebraska. I will answer the gentleman's question. This is my bill. The report of the committee shows that he served from October to some time in February—about four months. The evidence shows that he was under the command of a United States officer.

Mr. DINGLEY. Although not mustered in the United States service?

Mr. ERDMAN. Mr. Chairman, this report, in accordance with the policy of the committee, very carefully omits to state what the soldier died of. It says he was sick and died before reaching home, and then draws the conclusion there is no question about his having contracted the disability in the service. There are probably 30,000 or 40,000 people whose husbands died in the militia, and who would like to have pensions on just such evidence as this. You do not allow them to come in, but select a particular one and show favor to her, giving her the bounty of the Government.

The amendment recommended by the committee was agreed to.

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

Mr. PICKLER. I desire to move to amend, after the word "Arnold," in line 5, by inserting the word "dependent," so as to read "dependent mother."

The CHAIRMAN. The amendment recommended by the committee was agreed to, and the gentleman's amendment is not now in order.

Mr. PICKLER. I ask unanimous consent that the word be inserted. It ought to go in there.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to insert the word "dependent," before "mother," in the fifth line. Is there objection?

Mr. ERDMAN. I object. It does not matter whether we insert the word "dependent" or not.

The CHAIRMAN. Objection is made.

Mr. PICKLER. It is not material.

The bill as amended was laid aside with a favorable recommendation.

The committee informally rose, and the Speaker resumed the chair.

CONFEREES ON RIVER AND HARBOR BILL.

The SPEAKER. The Chair will announce the appointment of the following conferees on the river and harbor appropriation bill: Mr. HOOKER of New York, Mr. HERMANN of Oregon, and Mr. CATCHINGS of Mississippi. The committee will resume its session.

The committee resumed its session.

MRS. JULIA A. JAMESON.

The next business on the Private Calendar was the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Julia A. Jameson, widow of Brig. Gen. Charles D. Jameson, United States Volunteers, at the rate of \$50 per month, in lieu of the pension of \$30 per month she is now receiving, to commence from the passage of this act.

The committee recommended an amendment, which was agreed to, striking out, after the word "receiving," in line 9, the words "to commence from the passage of this act."

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read in part, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson, having carefully examined the evidence on file in the case, together with the reports from the records of the War Department, report as follows:

Charles D. Jameson served as colonel of Second Maine Volunteer Infantry from May 23, 1861, to August 14, 1861, when he resigned. He was appointed brigadier-general of volunteers September 3, 1861, and commanded a brigade in Heintzelman's Division, Army of the Potomac, from October, 1861, to February, 1862; from March, 1862, to May 31, 1862, he commanded the First Brigade, Hamilton's Division, Third Army Corps. He was granted leave of absence June 13, 1862, for the benefit of his health, and died from the effects of typhoid fever November 6, 1862, at his home in Oldtown, Me. The following letters from Gen. O. O. Howard and Gen. Joseph S. Smith are pertinent:

"CHICAGO, February 13, 1896.

"DEAR Mr. BOUTELLE: Mrs. General Jameson's case is so clear that I think she will get her increase. General Jameson was badly hurt at Fair Oaks in the battle, and lay all night on the field without cover. He was never well again. He died in consequence of that terrible exposure.

"Sincerely, yours,

"OLIVER O. HOWARD."

"BANGOR, ME., March 1, 1896.

"DEAR SIR: Referring to the Jameson pension case, I would say that at the battle of Fair Oaks, Va., in 1862, General Jameson's horse was killed and fell upon the General during the latter part of the battle, hurting him severely; that the General lay upon the field all night. It was raining very hard. As a result of his exposure typhoid fever set in, which was the cause of his death. I am personally knowing to the above, as I brought him from the field of battle to Washington, D. C., at the time. I sent to Maine for his wife and her father, who came on, and after he gained a little they took him to his home, but he never was able to rally, and soon after died.

"Mrs. Jameson has ever since been a widow, and has no other means of support excepting her pension. She is now nearly 70 years of age, very feeble and infirm. General Jameson gave up a prosperous business to enter the service, and died a bankrupt.

"As to who I am, I can refer to Senator FRYE, Speaker REED, Representatives BOUTELLE, DINGLEY, and MILLIKEN.

"Very respectfully,

"JOSEPH S. SMITH,

"Late Brevet Brigadier-General, United States Volunteers.

"Hon. GEORGE M. CURTIS,

"Member of Congress, Second District of Iowa."

In view of General Jameson's gallant services and the necessitous condition of his widow, the committee earnestly recommend the passage of the bill with an amendment striking out all after the word "receiving," in line 9.

Appended is a very full statement in regard to the services of General Jameson, which shows the esteem in which he was held by Gen. Phil Kearny and others.

Military record of Brig. Gen. Charles Davis Jameson, United States Volunteers, war of the rebellion, 1861-1865.

The Second Maine Regiment, Col. Charles D. Jameson, was the first to leave the State for the seat of war, and was among the first of New England regiments that set foot upon the "sacred soil" of Virginia, arriving at Falls Church on the morning of July 1, 1861, where they were encamped three weeks, being the farthest advanced of any regiment toward the enemy.

At the first battle of Bull Run the Second was hotly engaged, and displayed numerous instances of daring and reckless bravery. Upon the retiring of General McDowell's army they were detailed as rear guard and were attacked by the celebrated Black Horse Cavalry, which they routed completely. For this exploit Colonel Jameson was warmly thanked and complimented by General Keyes, commanding the brigade, and by General Tyler, commanding the division. During this battle their loss was 47 killed and wounded and over 100 missing. The Union forces being ordered to fall back the night after the engagement, the Second arrived the following morning, after a severe and tiresome march, at Alexandria, where they remained two days, and then were ordered to the vicinity of Fort Corcoran, directly opposite Georgetown. There they remained some two weeks, when they were placed in possession of the fort, and acted as heavy artillery until the middle of October, during which time they were reviewed by General McClellan, President Lincoln, and Secretary Stanton, the former complimenting them highly for their drill. While in command of the fort Lieutenant-Colonel Roberts, who succeeded to the colonelcy of the regiment after Colonel Jameson was appointed brigadier-general, was twice ordered to get ready for action. (Adjutant-General's Report, Maine, 1862, part 1, page 39.)

Maine has been called upon since my last report to mourn the loss of some of her sons whose virtues it will not be unbecomingly briefly to describe. It is due to the gallant dead that meritorious service for the public good should have public record.

Gen. Charles D. Jameson was one of the best specimens of the chivalrous gentleman, soldier, and patriot which his native State has sacrificed to the Union during the war. He was a true son of Maine; lived on the banks of

our noblest river, always resident within our borders, engaged in that business which marks our distinctive employment and gives us name. He was in all respects a true child of the Pine Tree State. In all the calls of life he was active and energetic. He was successful in his business and happy in his home. He was generous and genial in his associations with his fellow-men. He had a great readiness of perception, the nicest sense of honor, and a bland and pleasing address. He had no enemies, but the most extended circle of warm and sustaining friends. In politics he was a Democrat whose patriotism and love of liberty blazed high and warm above the limits of party.

It was natural that such a man should have been the colonel of the militia regiment of his vicinity and twice a candidate for governor of the State. The attack upon Sumter brought from his heart the earliest vows upon the altar of his country. He left wife and children, parents, and home and friends, and all that made life cherished and valuable, to share the hardships and dangers of the field. The Second Regiment, raised under his active exertions, made him its colonel, and was the first from Maine at the seat of war. In a few weeks it was launched in battle at Bull Run. Its conduct there gave it glory and a gallant name. Its colonel then won his star as brigadier.

It shows the man that in this conflict, when the regiment had been driven back from batteries of the enemy, leaving their wounded behind, he called for volunteers, and leading back a little band, under steady fire, brought off in their arms the injured and helpless men. As brigadier he had not the fortune to lead men from his own State, but choice regiments from Pennsylvania and New York composed his command. With those he fought at Yorktown, Williamsburg, Fair Oaks, and in other fields of battle. He was first to enter Yorktown, and one of the first to enter Williamsburg.

At Fair Oaks his conduct and generalship won him warmest praise from his superior, that eminently gallant man, the late lamented Kearny. It is believed that Jameson then and there carried the Stars and Stripes and by its side the Pine Tree banner of Maine nearer Richmond than any other, before or since, in this war. A friend once asked him, "What did you intend, with your handful of men, when you received orders at Fair Oaks to fall back?" "But for that order," said he, "I would have been in heaven or in Richmond that night." As a soldier General Jameson was a striking figure. Daring to rashness, exposing himself without sense of danger, he rushed into battle and inflamed with his own dash and ardor the men who followed him.

He asked no man to go where he was not willing to be in advance of the foremost. He was not less noticeable in other fields of duty. He had at all times and in all places the love and admiration of his brigade, which gloried in its leader. He cared for his men tenderly, and counted no labor as hardship which brought them health or comfort. In marches he walked with them. He lived with them in camp and shared their lot, whatever it was. By such labor and exposure he became sick, and in September came home to recruit his health, intending soon to go back to the field again; but it was not so ordered of Providence, and he sank gradually until, on the 6th day of November last, he died. It sums up this narrative that Jameson was the first volunteer and the first colonel in the field from Maine; that he was first at Yorktown and among the first and foremost toward Richmond; one of the first in gallantry, one of the first in the love and admiration of his men. Alas, that he should be the first general of Maine to die. At 35 years of age it was hard for the country to lose such a gallant spirit, but the State has gained the memory of a hero.

The Washington Republican speaks as follows of the qualities which distinguished our gallant general:

"Intrepid, enterprising, but withal judicious and full of resources, General Jameson had before him the prospect of a most brilliant military career. He was one of the fighting generals.

"As he, with others of the salvaged chiefs of fearless men who lately have left us—when we could have better spared others of another mold than theirs—as he, and Kearny, and Stevens shall reach the shores of that dark river, made mournful by Cerberus's ceaseless howl, the waiting hosts of the bravest dead of all the past will recognize their beaming blades, nor will they seek to dispute them place amid their front and foremost ranks."

[General Kearny to General Jameson.]

"DEAR GENERAL: I have signed and forwarded to Mr. Fuller the requisite certificate.

"You have no idea how greatly I miss you socially and militarily, and your last, on the 30th of June, on the Newmarket road, I think, really, the handsomest fight of the war. Our line was very unjustly extended 2½ miles for our weak division.

"The fighting fell entirely on the First Brigade, and I grudged giving General Robinson, a stranger to us, the credit. The enemy tried on us Longstreet's men, who had succeeded on the Chickahominy, but it would not go down. They disregarded our artillery, Thompson's battery; lost men not by scores, but by hundreds, and were only repulsed by Hayes with the Sixty-third and part of the Thirty-seventh and your humble servant. Hayes counted for a legion. As he led them, with his wild, heroic actions, he really looked Homeric; and I trust that I figured for some. * * *

"Oh, how I fancied your being there, with your own fine form and dashing impulsive manner, forming one of our trio. This brigade, which you managed so well and kept in heart, believed in you and followed you with a discipline of the heart. * * *

"I have invariably maintained that you are identified with the division. Williamsburg and Fair Oaks (the great battles of the war) saw you towering o'er the sea of fight, and I acknowledge none other. I have met with too many insulting slights not to count as precious above all other distinctions my noble division as it entered the baptismal stream of fire in that first proof for the idlers of the Potomac—Williamsburg. * * *

"Dear general, may you soon recover and be back in time to head those men who believe in you.

"Very truly, yours,

"P. KEARNY, General.

"HARRISON'S LANDING, August 9, 1862."

The following letter of General Jameson to his friend and neighbor was accompanied by a pen and ink diagram of the engagement of which he gives a description:

"HEADQUARTERS FIRST BRIGADE, KEARNY'S DIVISION,
Fair Oaks Station, June 4, 1862.

"DEAR SIR: Thinking you might be interested in a brief description of the great battle of last Saturday, I inclose a rough sketch of that portion of the field that came under my observation during the engagement, and will endeavor to give you some idea of my movements after arriving at the scene of action.

"I came up the Richmond road with three regiments, having sent one, the Fifty-seventh Pennsylvania Volunteers, up the railroad. Upon arriving near the open field where the rifle pits are, on the Richmond road, I fled off to the left into the woods road, and marched up to the abatis. I deployed the Sixty-third Regiment Pennsylvania Volunteers upon either side of the road on the abatis, with orders to drive the rebels out, they (the rebels) having succeeded in getting into the abatis first, driving Casey's division before them like sheep. I succeeded in holding them in check, but they were evidently determined to break our lines on the Richmond road, having been repulsed in their attempt to turn our left flank by Berry's brigade, and were working that way, keep-

ing up a terrific fire. Our troops had all left the abatis, near the Richmond road. That was a critical moment. General Kearny was with me; my brigade had all been used up at different points (the Eighty-seventh New York Volunteers were sent to the right to support General Peck), except 348 rank and file of the One hundred and fifth Pennsylvania Volunteers under Col. A. A. McKnight. There was not a moment to be lost.

"The only way to prevent the torrent from pouring down that road was to move out of the woods where we were standing, charge across the open field, and up the Richmond road. We started at double-quick, General Kearny at the head with me, also Captain Potter, my assistant adjutant-general. We went up the road to the point designated by a multiple mark on the plan, and then deployed, one-half on either side of the road in the abatis. For more than one hour those men fought in that abatis, not more than 8 or 10 rods between the two lines, during which time I rode back and forth in rear of the abatis, and up the road to the line. At last the rebels broke to the rear and toward their left. About that time large bodies of the enemy were seen moving down the Nine-mile road. Couch's division was holding it. They began to give way. Just at that time the troops in the rifle pits broke and ran, leaving me completely cut off, the rebels rushing into the open field at the point marked 5, and sweeping everything before them.

"For more than half an hour I was driving the rebels before me toward Richmond, and directly in my rear the rebels were driving our troops toward the Chickahominy. It was a novel sight I can assure you. Before I received orders to fall back I had gone three-fourths of a mile beyond the rebels that were in my rear and the point where the attack was first made on Casey. I immediately moved my men off the left flank, toward the White Oak Swamp, through the woods to the rear. To add to the danger of our situation, our battery (6) opened fire on us, thinking our troops had all fled from that position. To give you an idea of our position while on the Richmond road, I will state the loss: Of 348 men that started up that road 171 were either killed or wounded; and of the 18 commissioned officers 13 were killed and wounded. General Kearny's horse and mine were both killed, mine having three bullets in him before he fell.

"I got back to the open field in rear of the battlefield in time to rally some remnants of regiments and make a charge on the rebel cavalry and infantry that had made their appearance, driving them into the woods. It was then quite dark and firing ceased for the night. This ended the fight for the day. In less than three hours I lost, in killed and wounded, nearly one-third of the force I took into action. The commanders of my four regiments were all disabled—three seriously wounded and one taken prisoner.

"Heavy reinforcements having arrived in the night the rebels were repulsed in every quarter. I was not in the fight on Monday. But for Kearny's division it is hard telling what the consequences might have been.

"Please let father and mother know you have heard from me. Remember me to Mrs. — and the children. I feel very anxious to hear from you.

"I remain, yours, etc.,

"C. D. JAMESON.

"Hon. G. P. SEWALL."

[General Kearny to Governor Washburn.]

HEADQUARTERS THIRD DIVISION, HEINTZELMAN'S CORPS,
Camp Berry, Barhamsville, Va., May 10.

SIR: As the commanding general of this division, of which two of the generals commanding brigades (General Jameson and General Berry), as well as two regiments, the Third Maine, Colonel Staples, and the Fourth, Colonel Walker, form part, I take this opportunity of calling to your notice their meritorious conduct in the late fight, and to display the fact that although these regiments were not the sufferers in the late engagement at Williamsburg, having been detached by General Heintzelman to guard the left flank, yet by their steady and imposing attitude they contributed to the success of those more immediately engaged. And I assure you, sir, that with such material, commanded by such sterling officers, nothing but success can crown our efforts when the occasion requires. I have the honor to inclose the report of Gen. D. B. Birney, who commanded the noble brigade of which these two regiments form a part. General Birney commands two New York and two Maine regiments.

It is peculiarly appropriate, after having rendered justice to the regiments, to bring Generals Jameson and Berry to the especial attention of yourself and citizens at home, who look to them for noble deeds to illustrate their annals; and I am proud to state that they have amply filled the full meed of anticipated distinction. General Berry, charged with the left wing of our line of battle, evinced a courage that might be expected from him (when as colonel of the Fourth Regiment of Maine Volunteers he really saved the day at Bull Run), and also a genius for war and a pertinacity in the fight that proved him fit for high command, for he was most severely assailed on the left, and had most difficult rifle pits and abatis to face and carry. General Jameson, who commanded the First Brigade (One hundred and fifth, Sixty-third, Fifty-seventh Pennsylvania Volunteers, and Eighty-seventh New York), forming the rear of the column on the march from camp on the 5th instant, used vigor in bringing up his men under every difficulty, and was with me under severe fire when he arrived, and gave guaranty of a resolution that promised success in case, daylight remaining to us, he had been launched to the attack of Fort Magruder and those works which the enemy evacuated to us during the night, and which he was the first to enter at daylight.

I have the honor, sir, to be your obedient servant,

P. KEARNY,

Brigadier-General, Commanding Third Division, Heintzelman's Corps.
His Excellency ISRAEL WASHBURN, Jr.,
Governor of Maine.

[Report Adjutant-General of Maine, 1862, part 1, pages 132-138.]

Brig. Gen. Charles D. Jameson was one of the best specimens of the chivalrous gentleman, soldier, and patriot which his native State has sacrificed to the Union during the war. He was a true son of Maine; lived on the banks of our noblest river, always resident within our borders, engaged in that business which marks our distinctive employment and gives us name. He was in all respects a true child of the Pine Tree State. In all the calls of life he was active and energetic. He was successful in his business and happy in his home. He was generous and genial in all associations with his fellow-men. He had a great readiness of perception, the nicest sense of honor, and a bland and pleasing address. He had no enemies, but the most extended circle of warm and sustaining friends. In politics he was a Democrat whose patriotism and love of liberty blazed high and warm above the limits of party.

It was natural that such a man should have been the colonel of the militia regiment of his vicinity, and twice a candidate for governor of the State. The attack upon Sumter brought from his heart the earliest vows upon the altar of his country. He left wife and children, parents, home, and friends, and all that made life cherished and valuable to share the hardships and dangers of the field. The Second Regiment, raised under his active exertions, made him its colonel, and was the first from Maine at the seat of war. In a few weeks it was launched in battle at Bull Run. Its conduct there gave it glory and a gallant name. Its colonel then won his star as brigadier.

It shows the man that in this conflict when the regiment had been driven back from batteries of the enemy, leaving their wounded behind, he called for volunteers, and leading back a little band, under steady fire, brought off in their arms the injured and helpless men. As brigadier he had not the fortune to lead men from his own State, but choice regiments from Pennsylvania and New York composed his command. With these he fought at Yorktown, Williamsburg, Fair Oaks, and in other fields of battle. He was the first to enter Yorktown, and one of the first to enter Williamsburg.

At Fair Oaks his conduct and generalship won for him the warmest praise from his superior, that eminently gallant man, the late lamented Kearny. It is believed that Jameson then carried the Stars and Stripes, and by its side the Pine Tree banner of Maine, nearer Richmond than any other, either before or for a long time after. A friend once asked him, "What did you intend, with your handful of men, when you received orders at Fair Oaks to fall back?" "But for that order," said he, "I would have been in heaven or in Richmond that night." As a soldier General Jameson was a striking figure. Daring to rashness, exposing himself without sense of danger, he rushed into battle, and inflamed with his own dash and ardor the men who followed him.

He asked no man to go where he was not willing to be in advance of the foremost. He was not less noticeable in other fields of duty. He had, at all times and in all places, the love and admiration of his brigade, which gloried in its leader. He cared for his men tenderly, and counted no labor as hardship which brought them health or comfort; in marches he walked with them. He lived with them in camp, and shared their lot, whatever it was. By such labor and exposure he became sick, and in September came home to recruit his health, intending to go back to the field again; but it was not so ordered of Providence, and he sank gradually, until, on the 6th of November, 1862, he died.

It sums up this narrative that Jameson was the first volunteer and the first colonel in the field from Maine; that he was first at Yorktown, and among the first and foremost toward Richmond; one of the first in gallantry, one of the first in the love and admiration of his men. Alas, that he should be the first general of Maine to die. At 35 years of age it was hard for the country to lose such a gallant spirit, but the State has gained the memory of a hero. The Washington Republican speaks as follows of the qualities which distinguished our gallant general:

"Intrepid, enterprising, but withal judicious and full of resources, General Jameson had before him the prospect of a most brilliant military career. He was one of the fighting generals."

"As, with others of the salvaged chiefs of fearless men who lately have left us—when we could have better spared others of another mold than theirs—as he, and Kearny, and Stevens shall reach the shores of that dark river, made mournful by Cerberus's ceaseless howl, the waiting hosts of the bravest dead of all the past will recognize their beaming blades, nor will they seek to dispute them place amid their front and foremost ranks." (Adj. Gen. Report, Maine, part 1, pages 402, 403.)

Mr. CURTIS of Iowa. Mr. Chairman, I had the honor to introduce this bill. The report, a part of which has been read, is quite full and exhaustive, setting forth the military record of General Jameson, containing letters from the generals under whom he served, and a letter from the adjutant-general of the State of Maine. If, however, it is the desire of the committee to have this information in a condensed form, the gentleman from Maine [Mr. BOUTELLE], who lives in the town from which General Jameson enlisted and is familiar with all the facts of the case, can state them better than I can, and I shall be glad to yield to him for that purpose.

Mr. BOUTELLE. Mr. Chairman, the portion of the report that has been read contains the substance of this case. General Jameson was the first colonel to go to the field from the State of Maine, and the first general officer from that State who died. The letters printed in the report at considerable length show his service to have been remarkably brilliant and valuable. Very early in his military career he was promoted to the rank of brigadier-general, and he rendered distinguished service at the battles of Williamsburg and Fair Oaks. In a conversation a few moments ago with Governor McCORMICK he mentioned the fact of his having entered Williamsburg with General Jameson, who had so distinguished himself by his gallantry in the action preceding the capture that General McClellan assigned him to the command of the city. At the battle of Fair Oaks his horse was shot three times and fell on him and injured him so badly that he was obliged to be taken to his home, where typhoid fever set in and resulted in his death a few weeks later. His widow, who is now advanced in years and in very poor health, has made application for this increase, in accordance with the custom that has prevailed of making provision in cases of this character. The testimonials in this report from General Howard, General Kearny, from the adjutant-general of Maine, and from other sources all combine to set forth the peculiar gallantry and brilliancy of General Jameson's record; and I have no idea that any gentleman on this floor will hesitate a moment in granting the increase that is asked in this case.

Mr. TALBERT. Mr. Chairman, I rise not to oppose the passage of this bill, but to submit a few remarks. Here is the widow of a distinguished general, whose military record, as set forth in this report, I have read with pleasure, including the references made to him by his commanding officers, Generals Kearny and Howard, and the report of the adjutant-general of the State of Maine. They are touching, they are eloquent, and the widow of this distinguished officer deserves the consideration that is proposed to be given to her in this bill, which, as I understand, is at the rate of \$50 per month. The gentleman from Iowa [Mr. CURTIS] said that he would not ask more than \$50 per month; that he thought that would be sufficient. Now, Mr. Chairman, I only want to repeat that I hope we shall vote unanimously for this bill, and thereby establish the precedent of voting to the widows of distinguished Union generals (of whom there were few more distinguished than the husband of this lady) a regular uniform amount.

Let us give this widow \$50 a month, and I do not think it likely that we shall be called upon in the future to vote a pension to the widow of any more distinguished officer than General Jameson. I hope the bill will be passed.

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

LUCINDA RICKARDS.

The next business on the Private Calendar was the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, the name of Lucinda Rickards, the widow, and the names of Henry, Lon, and Frank, the children of John D. Rickards, a private in Company A, Sixty-ninth Regiment of Enrolled Missouri Militia, at the rate of \$2 per month each. The pension in the case of widow and children to commence on the 4th day of July, A. D. 1890, the date of the death of said soldier, John D. Rickards, and to be subject to the provisions and limitations of the general pension laws.

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

The Committee on Invalid Pensions, having considered the bill (H. R. 5393) to pension Lucinda Rickards and the minor heirs of John D. Rickards, beg leave to report that a similar bill was introduced in the Fifty-third Congress. It was reported favorably in the following language, which the committee incorporate as a part of this report:

"The petitioner is the widow of John D. Rickards, who served in Company A, Sixty-ninth Missouri Enrolled Militia, in the years 1862, 1863, and 1864. This being a State militia organization, he was not pensionable under the general laws, but on proof that he had been wounded August 23, 1862, in action with the enemy, he was pensioned by special act of Congress approved February 14, 1885, and was rated at \$8 per month for gunshot wound of left side. The petitioner was married to him January 24, 1865. The soldier died July 4, 1890, at the State insane asylum at St. Joseph, Mo.

"Dr. A. M. Raines testified May 29, 1894, that he was called to attend John D. Rickards on account of a gunshot wound received in actual service August 23, 1862. The ball, entering the spinal column, passed through one lobe of the lungs, and was extracted by affiant from between the ribs. He was treated by affiant for about six weeks, and his mind failed from the time he was wounded until his death in the asylum. 'I believe and have no doubt his insanity was the result of said wound.'

"Dr. D. V. Van Syckel, of Canton, Mo., testified June 2, 1894, that he examined the soldier and found a gunshot wound of left side of lung, near the vertebra, affecting the great spinal nerves of the back, especially motor and sentient nerves; passed through one lobe of lung and was extracted from between the ribs. 'I am confident, from the appearance of the man at time of examination, his insanity resulted from the wound and finally his death, which took place in the St. Joseph Asylum.'

The committee recommend that all after the word "each," in the ninth line, to the word "subject," in the twelfth line, be stricken out, and as so amended the bill do pass.

The amendment recommended in the report was agreed to.

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

GEORGE W. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

Mr. TALBERT. Mr. Chairman, I ask unanimous consent that this and the next bill on the Calendar be passed over for the time being.

Mr. FLYNN. I object.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George W. Taylor, late of Company C, One hundred and third Regiment Illinois Volunteer Infantry, on the records of the War Department, and to issue to said George W. Taylor a certificate of honorable discharge.

An amendment recommended by the committee was read, as follows:

After the words "honorable discharge," in line 8, add "to date April 3, 1865: *Provided*, That such soldier shall not be entitled to any pay, bounty, or emoluments by virtue of this act."

Mr. FLYNN. Mr. Chairman, I am opposed to the committee amendment. This soldier resides in my district, and I submit that gentlemen who hear the report on this bill read will be inclined to sustain my proposition and to refuse to sanction the amendment of the committee. I ask for the reading of the report.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 6608) entitled "A bill to remove the charge of desertion from the military record of George W. Taylor, beg leave to submit the following report, and recommend that said bill do pass with amendments as follows:

Add to line 8 the words "to date April 3, 1865: *Provided*, Such soldier shall not be entitled to any pay, bounty, or emoluments by virtue of this act."

The facts as found by your committee, upon which such soldier relies for the relief provided for in this bill, are as follows:

The soldier enlisted August 18, 1862; was wounded and suffered amputation of left middle finger in December, 1863; wounded in right thigh and groin, May, 1864; was furloughed on account of such wound, July 2, 1864; furlough extended to November 12, 1864. Up to this date the record of such soldier, from date of enlistment up to October, 1864, is most worthy.

The proofs submitted to your committee indicate that while such soldier was seeking to return to his command he was captured with a number of others at Powder Springs, Mississippi, about October 25, 1864. That he attempted to escape in January, 1865, but was wounded and recaptured. That he made a final escape in April, 1865, and rejoined our forces at Ebenezer Church, near Selma, Ala. That he was sent from there to Louisville, Ky., and was given transportation home. Two of the members of the forces who were present when the escaping soldier came inside our lines have testified

as to the facts, which seem to be confirmed by other testimony, that at the very time such soldier was reported to be a deserter he was a prisoner of war and confined within a Confederate prison.

After a careful consideration of this case your committee believe that such soldier never deserted, but had been so diligent in trying to reach his command from his furlough that he refused to turn back when notified of danger and thereby became a prisoner of war.

The report of the War Department is as follows:

Case of George W. Taylor, late of Company C, One hundred and third Regiment Illinois Infantry Volunteers.

It appears from the official records that the soldier named above was enrolled August 18, 1862, for three years. On the roll of his company, dated December 31, 1863, he is reported as absent, "wounded at Chattanooga, November 25, 1863." The rolls dated February 29 and April 30, 1864, show him present with his command, but the rolls dated June 30 and August 31, 1864, show him absent in field hospital near Dallas since May 27, 1864. The roll dated October 31, 1864, reports him absent, wounded in action at Dallas, Ga., May 27, 1864, and the roll dated December 31, 1864, reports him to have deserted while at home on furlough November 20, 1864. The company muster-out roll, dated June 21, 1865, shows him to have deserted November 12, 1864, while on furlough from hospital at Altoona, Ga.

The medical records show that he was admitted to regimental hospital November 25, 1863, with gunshot wound of the left middle finger, which was amputated, and that he was furloughed December 10, 1863.

The medical records also show that he was admitted to regimental hospital May 27, 1864, for gunshot wound (nature not stated), and that he was sent to the corps hospital June 9, 1864, but no record of him in the last-named hospital has been found.

The records of the Fifteenth Army Corps show that he was furloughed from July 2, 1864, to August 1, 1864, but the cause of his furlough is not given.

Nothing has been found of record to show that he was ever captured by the enemy.

Applying for removal of the charge of desertion, this man testified on December 23, 1892, that, having been wounded in the right thigh and groin, he went home on furlough about the 1st of July, 1864, which furlough was extended to November 12, 1864; that he left his home to join his command in October, 1864; that he was captured by the rebels at Powder Springs, Mississippi, about October 25, 1864, and was held as a prisoner until April, 1865, when he escaped to the United States forces at Ebenezer Church, near Selma, Ala.; that he was sent to Louisville, Ky., and there given transportation to his home; that he attempted to escape from the rebels in January, 1865, but was pursued, recaptured, and wounded by a saber stroke.

Jacob Johnson testified, under date of August 18, 1892, that he was a private in Company K, Fourth United States Cavalry, and that he knows that while his command was advancing from Ebenezer Church, Georgia, to Selma, Ala., and had reached the Alabama River, "the said George W. Taylor was on the opposite side of the river, came across in a canoe, and was escaping from the Confederate lines where he was a prisoner," and that he was very weak and emaciated.

Lewis Manker testified, under date of August 18, 1892, that he was a member of Company G, Second Indiana Cavalry, and that on April 3, 1865, George W. Taylor, who had just made his escape from the Confederate lines, where he had been a prisoner, came to Manker's company at Selma, Ala., and remained with it about four days.

Samuel N. Rockhold testified, under date of December 22, 1892, that he was a member of Taylor's company and went home with him on furlough in June or July, 1864, Taylor being wounded. He also testified that he had been "informed" that Taylor did not rejoin his command because he was captured and imprisoned by the rebels.

Under date of April 1, 1893, Taylor made a sworn statement in which he reiterated his previous allegations and detailed at some length the circumstances of his being wounded, attempting to rejoin his command, and his alleged capture and escape, and in addition he declared that after he reached the Union lines he was sent, about April 25, to Memphis and thence to Louisville; that the surgeon in charge of the convalescent camp at Louisville gave him a certificate showing that he was not fit for service; that he was given transportation to Bushnell, Ill., which was near his home, and that he had the surgeon's certificate until 1886, when it was destroyed by the burning of his house.

Bernard Kelly, late captain of Company F, One hundred and third Illinois Infantry, testified, under date of June 17, 1893, that Taylor was a member of his company, was a good soldier, always ready for and attentive to his duty, up to May 28, 1864, when he (Kelly) was last wounded. He gave no testimony with regard to the soldier subsequent to the last-named date.

Charles D. Monroe testified, under date of January 2, 1890 (?), that he was adjutant of the Forty-eighth Illinois Infantry in November, 1864; that on November 9, 1864, when returning from a leave of absence to his command, which was south of Rome, Ga., he found many others on their way to their commands, some of whom were turned back, but others were not, and many of those who were not turned back were captured by the rebels; that "from conversation with" Taylor he believed that he was one of the party that was captured by the rebels at that time; that he does not recognize Taylor as being one of the soldiers who were returning to their commands at the time in question, but from the fact that Taylor recognized him and made statements concerning the affair in question, which statements the affiant, Monroe, knows to be correct, he is satisfied that Taylor was captured by the enemy, as he claims, and that he did not desert.

Francis M. Hunt testified, under date of February 4, 1895, that he was a corporal in Company C, One hundred and third Illinois Infantry; that he knew of Taylor being wounded about May 28, 1864, and receiving a furlough; that he did not see him during the remainder of his service, but that from his acquaintance with him he does not believe he ever deserted, but believes that he was captured by the enemy and held as a prisoner of war, as stated by him.

Christopher C. Holland testified, under date of January 16, 1895, that Taylor employed him in 1882 to file a homestead entry; that in the course of this employment he saw and handled Taylor's "discharge," which he read and examined, and which he knows was in the usual form of such papers; that said discharge, on its face, showed, among other things, that the soldier was honorably discharged from the service of the United States; that the discharge was dated at Louisville, Ky., was issued from a hospital, and was signed by the person in charge of said hospital; and that this discharge was destroyed by fire in the spring of 1886.

Austin L. Thayer testified, under date of January 8, 1895, that he remembers that Taylor showed him "some kind of discharge paper," and that it contained Taylor's name, but that he has no recollection as to the official signature; that he considered the paper good enough evidence of Taylor having been in the service and discharged by some military authority; that he vouched for Taylor in a Grand Army post as having displayed his discharge to him previous to his (Taylor's) being "burned out" in the spring of 1886; that his "impression" is that Taylor had a genuine discharge, and that his "impression" is that it was issued from some hospital, but he can not swear to that fact; that he "heard Taylor speak" of his having served in the

Army and of his discharge, and when and where he was discharged, but that he can not remember the date or place of discharge as stated by Taylor.

The application for removal of the charge of desertion in this case has repeatedly been denied, and now stands denied, because repeated and exhaustive searches of the records of both the Union and Confederate armies have failed to elicit any evidence that Taylor was ever captured by or escaped from the enemy, or that he was ever under military control, either with troops in the field at Memphis or Louisville, at any time subsequent to July 2, 1864, on which date he received a furlough for thirty days; and because, further, the only record relative to his final separation from the service that can be found is the clear and positive record which shows that he deserted in November, 1864, while at home on furlough.

Respectfully submitted.

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 3, 1896.

The SECRETARY OF WAR.

Mr. FLYNN. Now, Mr. Chairman, it will be seen that the committee find that while the charge of desertion was made against this soldier he was lingering in a Confederate prison. They further find that he never deserted; and in view of that fact I say the amendment of the committee should not be sanctioned by the House.

The question being taken, the amendment was rejected.

Mr. FLYNN. I desire to offer an amendment. There is a mistake in describing the company in which this man served. I move to strike out, in line 5, the letter "C" and insert "F."

The amendment was agreed to.

Mr. TALBERT. I think this bill ought not to pass. I move, therefore, that it be laid aside to be reported to the House unfavorably. Let us get bills of this character out of the way, in order that bills which ought to pass may come in.

The question being taken on the motion of Mr. TALBERT, it was not agreed to; there being on a division—ayes 5, noes 68.

The bill was then laid aside to be reported favorably to the House.

OSCAR A. BULETTE.

The next business was the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war.

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 record of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war, and instead thereof to grant him an honorable discharge.

Mr. DOOLITTLE. I move to amend the bill by inserting, after the name "Bulette," in line 5, the words "known in his military record as Austin Bulette"; also to amend the title by inserting the same words after the name "Bulette." My reason for offering this amendment is that in the records of the company and regiment the name appears as Austin Bulette.

Now, in regard to the circumstances of this case, I will make a statement so as to avoid the necessity of reading the report. This was a French boy who enlisted from Wisconsin, going over the line, however, into the State of Illinois. He had been brought up on a farm; and, fired with the patriotism which, as we all remember, swept over the country in those days, he ran away from home and enlisted. His people were very anxious about him and sought in different ways to obtain his discharge from the Army. Finally President Lincoln was petitioned by the father of the boy, and in some manner—just how it was accomplished the record does not state; the petition does not appear in the record, but there is an affidavit showing that there was a petition—in some way the prayer of that petition was carried out, and the boy was taken out of the Army. He states in his affidavit that an officer came to him at St. Louis, took him from his company with the knowledge of the officers of the company, and started him on his way home. He went home and remained there for several months—perhaps for more than a year; but, at all events, as soon as he became old enough he reenlisted and served out the time of his enlistment.

Mr. PICKLER. And was honorably discharged?

Mr. DOOLITTLE. And was honorably discharged. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. I should like to hear the report read in this case.

Mr. DOOLITTLE. I have attempted to state the substance of the report.

Mr. TALBERT. But the report may state the facts more explicitly.

The Clerk proceeded to read the report (by Mr. GRIFFIN), but was interrupted by

Mr. TALBERT. I have no desire to hear that report further. I move that the bill be laid aside to be reported unfavorably.

The CHAIRMAN. The question is, first, on the amendment submitted by the gentleman from Washington.

The amendment of Mr. DOOLITTLE was agreed to.

The CHAIRMAN. The question is now on the motion of the

gentleman from South Carolina [Mr. TALBERT] that the bill be laid aside to be reported unfavorably.

The question being taken, the motion was rejected; there being on a division (called for by Mr. TALBERT)—ayes 4, noes 71.

The bill was then laid aside to be reported favorably.

RHODA AUGUSTA THOMPSON.

The next business on the Private Calendar was the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in Colonel Lamb's regiment of artillery and in Captain Joseph Thomas's company of artillery, and to pay her a pension at the rate of \$12 per month during her natural life.

Mr. SPERRY. This lady, who is well known to me, is the daughter of a Revolutionary soldier, and as such her father was on the pension roll. She is now 75 years of age; is infirm, with no one to care for her except her friends. This is a statement of the case. I think it is one well worthy of a pension.

The bill was laid aside to be reported favorably.

ANNA M. NEWTON.

The next business on the Private Calendar was the bill (H. R. 1508) granting a pension to the widow of Gen. John Newton.

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 Anna M. Newton, widow of John Newton, late major-general of volunteers and brigadier-general of the United States Army, and pay her a pension at the rate of \$100 a month.

Amend the title so as to read: "A bill granting a pension to Anna M. Newton, widow of Gen. John Newton."

The Committee on Invalid Pensions recommended the adoption of the following amendment: Strike out "one hundred," in line 7, and insert "seventy-five"; so that it will read "at the rate of \$75 a month."

Mr. DINGLEY. We ought to have some statement with the bill or have the report read.

Mr. TALBERT. I would like to have the report read.

Mr. CURTIS of New York. Mr. Chairman—

Mr. DINGLEY. If the gentleman will allow me, I desire to make this suggestion simply: I think it but just to the committee and to the House that there should be some brief statement made as to the merits of each of these cases as they come up, and this would be better than the reading of the report, as it would consume less time. If no one volunteers to make the statement concerning the bill, it will be necessary to have the report read in each case.

Mr. CURTIS of New York. Mr. Chairman, in view of the remarks of the gentleman from Maine—

The CHAIRMAN. The gentleman from South Carolina has demanded the reading of the report. Does he yield to the gentleman from New York?

Mr. TALBERT. Certainly.

Mr. CURTIS of New York. I was going to say that, in view of the suggestion of the gentleman from Maine, I would make a brief statement respecting this case, which will take less time than the reading of the report.

This bill proposes to pension the widow of Maj. Gen. John Newton. He was one of the most distinguished graduates of West Point before the war in a class nearly all of whom went into the Confederacy, and he, with Gen. George H. Thomas, were the conspicuous exceptions among the Virginians at that time who remained in the Union Army.

He was one of the most competent engineers of his day, graduated second in his class, and received promotions on account of his skill in the science of engineering, first to the rank of brigadier-general, and later, because of his military genius, to a higher grade. He served through the war most gallantly and won honorable distinction, and later on he was in charge of the most important Government works, especially the improvement in New York Harbor, and particularly in arranging for the safe navigation at what is known as the "Hell Gate Channel" leading into the sound. His widow is left in destitute circumstances and has to care for an invalid daughter.

The Senate passed this bill at \$100 a month, and, Mr. Chairman, there is no bill on the Calendar that appeals more strongly to the sense of justice of this House than does this bill. Because of the action of the committee in reducing the amount proposed by the Senate bill I am reluctant to ask an increase, although my sense of justice would warrant me in so doing.

Mr. LOUD. I would like to ask the gentleman from New York if this officer did not receive, while performing the eminent services he describes, during his military life a compensation of from five thousand to seven thousand dollars a year for at least twenty or twenty-five years.

Mr. CURTIS of New York. Mr. Chairman, General Newton received such compensation as the law gives to the officers of the rank he held. Because of his peculiar talent and skill he was often charged with more responsible duties than other officers of like grade. But to raise the question whether his compensation was large or small raises the question of the propriety of the salaries given by law to officers in the service of the United States, and is a question upon which I do not care to enter as germane to the subject under consideration.

General Newton left no property to his family. He had to live in a very expensive city while receiving the compensation referred to by my friend from California, and his salary was exhausted. His widow, now an aged lady, nearly 70, past 65 years, comes to the House under these circumstances for its favorable consideration. Congress has expressed over and over again in measures for the relief of widows of officers of distinction who served the country as well as General Newton did its purpose to provide suitable support, and I am sure that there can be no disposition to grant his widow less than this bill requires.

Mr. TALBERT. Mr. Chairman, I move to strike out "seventy-five" and insert "fifty," and I do this simply on the same ground that I advocated a few moments ago—the pension to the widow of another general officer, General Jameson. I dislike very much to make this motion affecting the bill of my amiable friend from New York, on whose first visit to my part of the country we treated somewhat badly, but in justice to myself and to this class of pensions I think that they should go on a common ground, and for that purpose I move to strike out "seventy-five" and insert "fifty."

Mr. CUMMINGS. Mr. Chairman, I have listened with great interest to what my distinguished friend on my right [Mr. LOUD], who was himself a gallant soldier in the Union Army, has said with regard to the compensation received by General Newton from the Government for services rendered in the war and elsewhere. When application was made here for a pension to the widow of General Grant, if my friend from California had been a member, I think he would not have been found asking such a question concerning her pension. I speak on behalf of the widow of Gen. John Newton. He has a record of services taking in the battles on the Peninsula, Antietam, Fredericksburg, Chancellorsville, and Gettysburg. It reaches to the great armies of the West. His widow has far less of this world's goods than the widow of General Grant. She is entitled to at least the poor pittance of \$75 a month. [Applause.] The Senate gave her a hundred. I was surprised to hear that the House committee had reduced it to \$75.

John Newton became a major-general not through political or other influences. He won his double-starred shoulder straps on the field of battle. [Applause.] He was as modest and as undemonstrative in his bearing as General Grant himself.

General Newton was not only useful to his country when our great civil war was raging, but he was useful to her in the paths of peace and commerce after the war. He blasted a highway from Long Island Sound into the great port of New York. As president of the Panama Railroad Company he maintained for commerce that iron link between the Atlantic and the Pacific. He deserved well of his country from the day that he entered her service up to the day that he died, not only in war but in peace. His widow, now in straitened circumstances, asks only what has been granted to widows of major-generals in the Union service who died before her husband.

Mr. Chairman, Mrs. Newton will not receive under this bill what has been granted to the widows of former major-generals who were in far better circumstances. I do hope that my friend from South Carolina [Mr. TALBERT] will not insist upon his amendment, which reduces the amount still lower. I know that if he had fought with General Newton, as I have done, with others on this floor, and if he was acquainted with the circumstances of the case as they know them, he would be the last man here to gravely move to reduce this proposed pension. We have with us here on my left an officer, and a brave officer, who was upon General Newton's staff. I refer to my friend and colleague, Colonel SHANNON. He knew General Newton. He has seen him on the bloody field, and can testify to his meritorious services and the needs and necessities of the case. Mr. Chairman, this House will simply stultify and disgrace itself if it reduces this pension from \$75 to \$50 per month.

Mr. TALBERT. Will the gentleman say something for the widows of the privates who followed General Newton?

Mr. CUMMINGS. I am voting for pensions for them whenever I have an opportunity. Votes are at least as good as words.

Mr. LOUD. Mr. Chairman—

The CHAIRMAN. Time for debate on this bill is exhausted.

Mr. LOUD. The opposition to this bill have not consumed sixty seconds.

The CHAIRMAN. The time for debate upon this bill has expired.

Mr. LOUD. I hope that the gentleman will give me an opportunity to reply—

The CHAIRMAN. The Chair can not give the gentleman an opportunity when the time is exhausted.

Mr. CUMMINGS. I ask unanimous consent that the gentleman be allowed five minutes?

Mr. MILNES. I ask unanimous consent that the gentleman from California be heard.

The CHAIRMAN. Unanimous consent is asked that the gentleman from California be allowed five minutes.

Mr. POOLE. I object.

Mr. LOUD. Oh, I can get time on the next bill. I want nothing except what I am entitled to by right, and I will get it on some other bill.

Mr. HULL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULL. As I understand the rule, debate is limited to five minutes on a side.

The CHAIRMAN. Debate is limited to ten minutes, to be divided between the friends and opponents of the measure.

Mr. HULL. Can a man take the floor and occupy the ten minutes on one side, and thus cut off the other side entirely?

The CHAIRMAN. Two or three members can take the floor and occupy the whole ten minutes on either side, unless some member objects or raises the point of order. The question is on the amendment offered by the gentleman from South Carolina [Mr. TALBERT] to strike out "seventy-five" and insert "fifty."

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

Mr. TALBERT demanded a division.

The committee divided; and there were—ayes 44, noes 55.

Mr. TALBERT. I demand tellers.

Tellers were refused, 9 members (not a sufficient number) voting in support of the demand.

Accordingly the amendment was rejected.

The amendment recommended by the committee, to strike out "one hundred" and insert "seventy-five," was agreed to.

The question was taken on laying aside the bill as amended to be reported to the House with a favorable recommendation.

The CHAIRMAN announced that the ayes seemed to have it.

Mr. TALBERT demanded a division.

The committee divided; and there were—ayes 76, noes none.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). One hundred and fifty-three gentlemen are present. The ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

CATHARINE LEARY.

The next business on the Private Calendar was the bill (S. 819) granting a pension to Catharine Leary.

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 Catharine Leary, a nurse in the war of the rebellion, and to pay her a pension at the rate of \$8 per month on and after the passage of this act.

The Committee on Invalid Pensions recommended an amendment striking out the word "eight," in line 6, and inserting in lieu thereof the word "twelve."

Mr. LOUD. Mr. Chairman, I should like to remind the chairman, before I proceed, that the Chair has repeatedly called the attention of members to the fact that they can not determine when a member's time has expired, and I want to call the attention of the Chair to the position in which a member is placed in this House. The House, or a member of the House, can not determine when a member's five minutes have expired. Hence a member must retain his seat until another member has used up the whole time, either in favor of or in opposition to the bill.

Now, then, in relation to the last case. When I suggested an inquiry to the gentleman from New York as to what salary had been received by General Newton, whose widow this House has just put upon the pension roll at \$75 a month, the gentleman from New York worked himself into an imaginary frenzy—and when I say the gentleman from New York I mean Mr. CUMMINGS, who turned to me and said the "gentleman upon his right," meaning, I suppose, me, because he could not have meant anyone else—and asserted that if I had been in this House at the time that the widow of General Grant was pensioned I would not have raised my voice against the pension granted to that widow. Now, permit me to say to the gentleman—

Mr. CUMMINGS. I beg the gentleman's pardon. I said that he would not have applied the same argument to that case.

Mr. LOUD. I think I have quoted the gentleman's exact language. Permit me to say that the statement is entirely gratuitous on the part of the gentleman from New York. He is talking about something that he knows nothing about, as he quite frequently does. I deny to him or to anyone else the right to as-

sume what position I would take. I think I have been consistent in my position in this House. I have endeavored to show favoritism to no one. I assert here that General Newton was paid for his services during his entire service, and he was educated at the expense of the Government.

Mr. Chairman, I was led to believe a fact, which I subsequently discovered to be true, which perhaps influenced the gentleman in the matter, and that was that General Newton was a Democrat.

Mr. CUMMINGS. If the gentleman will allow me, he was an anti-Tammany Democrat, and my political enemy.

Mr. McCLELLAN. And put out of office by Tammany.

Mr. LOUD. I do not care anything about that. I was led to believe that, Mr. Chairman. So that it was wholly unnecessary for the gentleman to suggest what position I would have occupied. But I will state that if I had the power to prevent the pensioning of widows of officers beyond the amount allowed by law I would do so in the case of every widow in this country, not excepting the widow of General Grant. I do not believe that it is in the province of Congress to be charitable to any person. I say again, and I am sincere and earnest in what I say, that if I had it in my power I would defeat every one of these cases. I have been consistent in my course. I know I can not defeat them, and hence I keep my seat.

Mr. DINGLEY. Let us hear the report read or some explanation given of the bill.

Mr. PICKLER. The only point there is in this case is—

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from South Dakota?

Mr. DINGLEY. Certainly.

Mr. PICKLER. In the general army nurse bill, which is now the law, certain authority is defined in the law for the engagement of these nurses. This woman filed her application, but they decided that her employment was not under such authority as was defined by the general statute. She served six months. The record of this nurse's service shows that they were valuable. They were given during an epidemic of smallpox or cholera, and the only point in the case is that her employment was not under such authority as is defined in the law as it now stands. She is worthy of her pension. She served six months and did valiant service. There is no doubt about that.

Mr. DINGLEY. Is it the same amount of pension as given to nurses?

Mr. PICKLER. Yes, sir; it is the same as given to other nurses.

Mr. ERDMAN. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Pennsylvania?

Mr. DINGLEY. I do.

Mr. ERDMAN. Mr. Chairman, I understand that this woman did not enter the army service until a year after the war. A parliamentary inquiry. Is it within the jurisdiction of the Committee on Invalid Pensions to report a bill of this character?

The CHAIRMAN. In the opinion of the Chair that point comes too late. The bill has already been under consideration of the committee and has been debated for several minutes. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. This woman was in the hospital service after the war was closed.

Mr. ERDMAN. I rise to a point of order. I make the point of order—

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

Mr. ERDMAN. My point of order is that this bill is not properly reported from the Committee on Invalid Pensions.

The CHAIRMAN. The Chair is of the opinion that the point of order comes pretty late, after the bill has been under consideration by the committee.

Mr. ERDMAN. I do not understand that that would make any difference on the point of order. The question of jurisdiction in a court of justice can be made in the appellate tribunal, even if not made before.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ERDMAN. Then I only want to say, Mr. Chairman, that from the affidavits on file it appears that this party was employed as a domestic in the family of Private Gillis at the time she was alleged to be a hospital nurse.

Mr. TALBERT. Mr. Chairman, I want to raise my voice here. [Laughter.] I want to try to bring to my assistance the distinguished gentleman from New York [Mr. CUMMINGS], who came very near falling in his tracks a while ago in the interest of the widow of a distinguished officer. I want to call to my assistance the Democrats who stood here and voted for that appropriation. I want them to help me to get a little pittance now for a poor woman. I want to appeal to the distinguished gentleman from New York who shed some of his crocodile tears a while ago; I want to appeal to him in the interest of this poor woman. It is a sad condition of affairs that whenever you gentlemen make an appeal for the officers' widows you have to come to the Democratic side to get those bills through. I am ashamed of it. Let those

gentlemen get up here now and say something in the interest of the poor people as well as in the interest of the rich.

The amendment was agreed to.

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

SAMUEL D. GILMAN.

The next business on the Private Calendar was the bill (H. R. 7127) granting a pension to Samuel D. Gilman.

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 provision, and limitations of the pension laws, the name of Samuel D. Gilman, late of the Strafford Guards, New Hampshire Volunteers, and pay him a pension of \$50 per month.

Mr. DINGLEY. I hope we shall have a brief statement of the merits of this bill.

A MEMBER. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7127) granting a pension to Samuel D. Gilman, having carefully considered the same, respectfully report:

Samuel D. Gilman enlisted May 5, 1864, as a member of Strafford Guards, New Hampshire Volunteers, and went into service at Fort Constitution. While on duty in the service he took cold from exposure in a drenching rain, and rheumatism in his feet and ankles immediately followed, rendering him unfit for duty, and in a short time erysipelas of head and face. He had, up to that time, been a vigorous man, seldom lost a day by reason of illness, and was industrious and of good habits.

A special examiner, under date of January 24, 1896, says:

"The diseases named have resulted in his present wretched condition. There can be no question of his entire disability to do manual labor, and he has been in that condition for six or seven years or longer. The uncontradicted testimony is that he did have rheumatism when at Fort Constitution and erysipelas a few weeks later. The only question, it seems to me, is, was the man sound when he enlisted? Claimant's witnesses are some of the most reliable citizens of Dover, N. H., and he is a conscientious and honest man. He is 70 years of age."

In October, 1894, the examining board reports:

"This man is totally unable to do any work and can not take care of himself. Has to have a constant attendant."

In view of all the facts, your committee respectfully recommend the passage of the bill.

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

AUGUSTUS G. CARY.

The next business on the Private Calendar was the bill (H. R. 4405) granting a pension to Augustus G. Cary.

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 Augustus G. Cary, late a lieutenant, United States Revenue Marine, serving on the revenue cutter *Forward* in November, 1863, at which time, by order of the President of the United States, the said cutter *Forward*, together with its officers and crew, was detached from the Revenue-Marine Service and attached to the naval forces, and served as a naval vessel for eleven months, during which time the said Augustus G. Cary acted as a lieutenant. Therefore the said Augustus G. Cary shall be paid such pension as he may then be entitled to according to law.

The committee recommended amendments striking out "a," after the word "late," in line 6, and substituting the word "first"; also striking out all after the words "revenue marine," in line 7, down to and including the words "according to law," in line 15, and substituting therefor the words "and pay him a pension at the rate of \$30 per month."

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4405) granting a pension to Augustus G. Cary, have had the same under consideration, and after a thorough and careful examination report the same back with the following amendments, and recommend that it do pass when so amended:

Strike out, in line 6, after the word "late," the word "a" and insert in lieu thereof the word "first." Strike out all after the word "marine," in line 7, and add "and pay him a pension at the rate of \$30 per month."

The reasons for this recommendation were submitted to the Senate at the first session of the Fifty-second Congress in a report presented by Senator Sawyer, and again to the Senate at the Fifty-third Congress, second session, in a report presented by Senator VILAS, embodying the report of the preceding Congress, and to the House during the Fifty-second Congress. Said reports are hereunto attached and made a part of this report.

[House Report No. 2401, Fifty-second Congress, second session.]

The Committee on Invalid Pensions have had under consideration Senate bill 2943, and report the same with amendment, and when so amended recommend that it do pass.

Amend by striking out all after the word "pension," in line 7, and insert the following:

"Subject to the provisions and limitations of the pension laws as provided by the act of June 27, 1890, and that said pension shall be paid out of the naval pension fund."

During the war Mr. Cary was lieutenant in the Marine Revenue Service on the revenue-cutter *Forward*. In November, 1863, the *Forward*, with its crew, was transferred by order of the President from the marine to the naval service, and was in the naval service until July, 1864. The record shows that Mr. Cary was lieutenant on the revenue cutter, and that it was under orders from the President, and cooperated with the Navy at Beaufort, N. C., and at other points during that period.

He continued in the marine service for some time afterwards, where, he claims, he contracted the ailment from which he is now suffering. The evidence shows that he has been under treatment of physicians for sixteen years or more, and has undergone operations, which have failed to relieve

him. He is now a confirmed invalid, wholly disabled, and has been so for several years. He is sick and in need of medical attendance, and he is dependent on his wife for care and support. His family consists of a wife and several small children.

[Senate Report No. 590, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 1948) granting a pension to Augustus G. Cary, have examined the same, and recommend that the bill be passed.

The reasons for this recommendation were submitted to the Senate at the second session of the Fifty-second Congress in a report of which a copy is appended.

[Senate Report No. 1068, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2648) granting a pension to Augustus G. Cary, have examined the same, and report:

The beneficiary, Augustus G. Cary, was, at the commencement of the war and subsequently, a lieutenant in the United States Revenue-Marine Service, and his claim for a pension is based upon his services in connection with the Navy. The committee have taken some pains to ascertain the facts in regard to Lieutenant Cary's claim, and have been informed by an official letter from the Secretary of the Treasury that the records of the Department show that "Lieutenant Cary served on the revenue cutter *Forward* at Beaufort, N. C., from November, 1863, to July, 1864, and that said vessel was under orders by the President to cooperate with the Navy during the period this officer served thereon."

Information from other sources shows that he rendered active and valuable service during the time his vessel cooperated with the Navy, and he is clearly entitled to a pension, inasmuch as he was practically an officer in the Navy during the prevalence of the President's order.

He is now advanced in years, very much disabled, and in reduced circumstances. His attending physician makes affidavit that he has a complication of diseases, and has had for a long time.

The bill is reported favorably, with a recommendation that it do pass.

This committee, after a careful examination of the documents and other reliable evidence in this case, find the following state of facts:

The beneficiary, Augustus G. Cary, was, at the commencement of the war, and for some time prior thereto, a lieutenant in the United States Revenue-Marine Service, and his claim is based upon his services in connection with the Navy. The committee have taken some pains to ascertain the facts in regard to Lieutenant Cary's claim, and have been informed by an official letter from the Secretary of the Treasury that the records of the Department show that Lieutenant Cary served on the revenue cutter *Forward* at Beaufort, N. C., from November, 1863, to July, 1864, and that said vessel was under orders by the President to cooperate with the Navy during the period this officer served thereon.

Information from other sources shows that he rendered active and valuable service during the time his vessel cooperated with the Navy. Prior to the date on which the cutter *Forward* was transferred to the Navy by order of President Lincoln, viz, May, 1862, Lieutenant Cary was on the *Miami* at the taking of Norfolk, Va. Mr. Cary's first voyage in the service was on the *Varina*, which left New York in April, 1861, after rebel privateers. While on this vessel he was acting as third lieutenant, sailing master, and pilot. He was also on the *Stevens Battery*, a submerging monitor. Mr. Cary seems to have been a very efficient man and a thorough pilot, and his services were in great demand, hence his transfer from one boat to another from 1861 to 1864.

Your committee are clearly of the opinion that Lieutenant Cary is entitled to a pension, inasmuch as he was practically an officer of the Navy during the time his vessel was attached to the Navy by order of the President.

The affidavits filed by his attending physician show that he has a complication of diseases and for some years has suffered therefrom. He is now advanced in years, absolutely disabled, and so long as he lives will not again be able to perform manual labor. He is now confined to his bed, his property exhausted after continued illness covering a period of sixteen years, and he lives to-day as the result only of careful nursing and faithful service rendered to him by a devoted and noble wife.

Mr. DINGLEY. Is this man to be pensioned as of the Revenue-Marine Service or for naval service?

Mr. MINOR of Wisconsin. For naval service.

Mr. DINGLEY. I thought this person whom it is proposed by this bill to pension was in the Revenue-Marine Service and was transferred to the naval service. Of course we should be very careful not to pension anyone simply for being in the Revenue-Marine Service.

Mr. MINOR of Wisconsin. If the gentleman will look at the finding of the committee I think he will be satisfied.

The amendments recommended in the report were adopted.

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

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. CORLISS. It seems to me, Mr. Chairman, that we ought to follow the rule, unless there is some special reason why this bill should be taken up out of its course.

Mr. HAINER of Nebraska. I trust the gentleman will not object to taking up this bill. The case is a very peculiar and meritorious one. The beneficiary of this bill is 74 years of age, helpless, bedridden, and paralytic—one of the most pitiable cases on record.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. SHERMAN. I object. I have a case just like this myself.

MRS. CHRISTINA GRAHAM.

The next business on the Private Calendar was the bill (H. R. 4268) granting a pension to Mrs. Christina Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, at \$12 per month, subject

to the provisions and limitations of the pension laws, the name of Mrs. Christina Graham, of Baltimore, Md., daughter of Wendel Laurentz, deceased, late a private in the Revolutionary war.

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

The Committee on Pensions, to whom was referred the bill (H. R. 4268) granting a pension to Mrs. Christina Graham, have considered the same, and respectfully report as follows:

The claimant is the daughter of Wendel Lawrentz, a Revolutionary soldier, whose service is shown in the following report from the Pension Bureau:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS
Washington, D. C., February 23, 1896.

"SIR: In response to your request, herewith returned, for a statement of service of Wendel Lawrentz, a Maryland soldier in the Revolutionary war, I have the honor to inform you that it appears from the papers in the claim of his widow, Ann Lawrentz, for pension (No. 8113), that he enlisted as a private "in the German regiment," in July, 1776, and served under Capt. Philip Graybill and Christopher Myers, Colonels Honsegger and Weltner, until July 20, 1779, when he was discharged. He was engaged in the battles of Trenton, Princeton, Brandywine, Germantown, and Monmouth.

"Very respectfully,

"WM. LOCHREN, Commissioner.

"The CHAIRMAN OF COMMITTEE ON PENSIONS,
"House of Representatives."

The relationship of the claimant to the soldier is certified to by the officers of Avalon Chapter, Daughters of the Revolution, of Baltimore, Md.; and it is shown by the claimant's sworn statement, and by the certificate of Hon. JOHN K. COWEN, M. C., who is personally acquainted with the facts, that she is now 72 years old, without any means whatever, and dependent on friends for the necessities of life.

There are several precedents for the allowance of pensions to the aged and destitute daughters of soldiers of the Revolution, and, believing this case to be a worthy one, your committee respectfully recommend the passage of the bill.

Mr. DINGLEY. One word, Mr. Chairman. This seems to be a bill to pension the daughter of a Revolutionary soldier. Is it understood that daughters of Revolutionary soldiers, provided they can show need, are to be granted pensions?

Mr. LOUDENSLAGER. In reply to the gentleman from Maine I will say that that has been the attitude and action of the committee in the Fifty-third Congress, of which I was a member, and also in this Congress. The rule has been to report favorably upon all bills of that character.

Mr. DINGLEY. I simply wanted to know what the practice was to be and whether we were going into that business, because I have a dozen applications of that kind.

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

JOHN R. ROW.

The next business on the Private Calendar was the bill (H. R. 3880) granting an increase of pension to John R. Row, of Toronto, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John R. Row, of Toronto, Kans., late of Company B, Third Illinois Infantry, Mexican war, and pay him a pension of \$72 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

An amendment recommended by the committee, striking out the word "seventy-two," in line 6, before the word "dollars," and inserting "thirty," was agreed to.

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

JACOB M. HAMBURGER.

The next business on the Private Calendar was the bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger.

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 charge of desertion standing against the name of Jacob M. Hamburger, late musician in Company G, First Battalion, Twelfth United States Infantry, and issue him an honorable discharge.

Mr. CORLISS. Mr. Chairman, the report in this case is short and covers all the facts. I ask that it be read.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 948) entitled "A bill to remove charge of desertion against Jacob N. Hamburger," beg leave to submit the following report, and recommend that said bill do pass.

It appears from the petition, proof filed with the committee, and official records of the War Department, that Jacob N. Hamburger enlisted at the age of 15 years as a musician in the Twelfth United States Infantry, at the city of New York, on the 29th day of February, 1864, for a term of three years. He continued in the service until January, 1866, when he was reported as deserted at Richmond, Va. The official records also show that William Lowe was principal musician of the Twelfth United States Infantry, and had control of the musician, Hamburger, who was a frail boy, less than 16 years of age. It is claimed, and there is sufficient evidence to establish the reasonableness of petitioner's claim, that after Mr. Hamburger had served about a year he was most severely punished with a rawhide by the chief musician, Lowe, who, it is claimed, inflicted the punishment at a time when he was intoxicated. The punishment was so violent as to cause the cheek bone of the petitioner to be broken and his eye affected, from which he has since lost sight. The records show that the petitioner was taken to the hospital for treatment of lacerated wounds, and that the principal musician was placed under arrest, but there is no record of his trial.

The records further show that the petitioner returned to his service and continued until 1866, under the command, however, of a different principal musician. It appears that in January, 1866, Mr. Hamburger was transferred to Richmond, Va., and again placed under the command of William Lowe, who

had inflicted such severe punishment, and in consequence thereof deserted the ranks and returned to his home, alleging as a reason therefor the fear of his life, in consequence of the repeated threats made by said Lowe.

The claimant was, upon his own application, furnished, in August, 1891, a deserter's release under General Orders No. 55, Adjutant-General's Office, 1890, which protects him from arrest and trial by general court-martial and closes his military record.

There is no record that this musician, during his service prior to date of desertion, was ever absent without leave for two days or for any other period.

The merits of this case, and extreme youthful appearance of the boy at the time, his age, and his good conduct during his entire service in the Army, constrain the committee to recommend the relief desired, and therefore urge that the bill do pass.

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

CHARLES WILLIAMSON.

The next business was the bill (S. 807) granting a pension to Charles Williamson.

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 Charles Williamson, late assistant surgeon of the Twelfth Regiment Kansas State Militia Volunteers.

Mr. MILNES. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 807) granting a pension to Charles Williamson, having carefully considered the same, adopt as their own the following Senate report, and recommend the passage of the bill:

[Senate Report No. 140, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 807) granting a pension to Charles Williamson, have examined the same and report:

The petitioner, Charles Williamson, was assistant surgeon in the Twelfth Regiment Kansas State Militia Volunteers. He was enlisted July 8, 1864, and discharged October 25, 1864. He bases his claim upon double inguinal hernia incurred October 23, 1864, between Independence and Westport, Mo.

From the evidence submitted it appears that he was an able, strong-bodied man and perfectly sound at the time of his enlistment.

At the time of his discharge he was ruptured substantially as claimed by him in his declaration. He received the rupture while riding on horseback and attempting to cross a small ravine, occasioned by the jumping and stumbling of the horse. Immediately afterwards he was removed from the horse to the ambulance.

At the time of the injury he was in actual service and in the discharge of his duties. He presented proof of his claim and it was rejected because (as it was claimed) his proof failed to show his injury while in actual service. This claim on the part of the Government appears to be unfounded. Although the evidence furnished by the claimant and taken by the special examiner of the Department does not show by actual direct evidence the origin of claimant's double inguinal hernia, yet the testimony of bodily and physical soundness prior to his entering the service is positive, direct, and conclusive to the fact that the claimant was physically and bodily sound when he entered the Army, and the evidence is equally direct and conclusive that he did suffer from such hernia when he was discharged from the service, and the circumstances surrounding the origin of his disability, supported by strong circumstantial and corroborating evidence, lead to the conclusion of the correctness of his claim that he was injured while in the line of duty. The presumption is very strong and almost conclusive in his favor, and in accordance with the rulings of the Secretary of the Interior heretofore made, "that where strong circumstantial and corroborative evidence is given in favor of the claimant, he should be given the benefit of the doubt and the burden of proof changes from the claimant to the Government," and as the Government presents no proof overthrowing this claim of presumption, your committee, to whom was referred the bill, return the same with recommendation that it do pass with an amendment.

Amend by striking out all after the word "volunteers," in line 7.

The bill was laid aside to be reported favorably.

WILLIAM GREER.

The next business was the bill (H. R. 6590) granting a pension to William Greer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William Greer, late of Company A, One hundredth Pennsylvania Veteran Volunteer Infantry, and pay him a pension of \$50 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6590) granting an increase of pension to \$50 per month to William Greer, late private Company A, One hundredth Pennsylvania Infantry Volunteers, having carefully examined and considered all the facts and circumstances in evidence in this claim, respectfully report:

William Greer enlisted February 15, 1864, and was honorably discharged August 16, 1865. He was wounded in the battle of Weldon Railroad, near Petersburg, Va., August 19, 1864, being struck with three balls about 2 inches below the elbow in right arm and passing through both bones of forearm, and one ball deflecting into the elbow joint, or through it.

He was pensioned at \$8 from August 17, 1865; increased to \$12 from April, 1886; afterwards a reissue at \$30 from April 14, 1886, to correct the rating, and \$36 from April 6, 1887; this was reduced to \$18 from June 4, 1888; increased to \$24 from July 23, 1889, and to \$33 from December 30, 1889 (date of amputation).

The Pension Bureau sent a special examiner to inquire why the arm was amputated so far above the elbow, and Drs. Bond and Drake explained:

"The reason that we cut the arm as high above the elbow joint as we did was to get above the diseased tissue. The examination of the arm before amputation disclosed the fact of diseased tissue, and after the amputation the arm suppurated, showing that we had not gotten above that diseased portion. On opening the joint after the amputation we found necrosis of the elbow joint. The bones of the joint were denuded of cartilage, and fragments of the bullet were embedded in the bones of the forearm and arm through the joint. There were several suppurating sinuses both above and below the joint. We not only found that the bones of the lower arm had been injured by the ball as it entered and passed through the forearm, but also injured the humerus as it passed out of the arm above the elbow joint. We found fragments of lead in the bones of the forearm and cartilage of the humerus. Most of the cartilage of the humerus had necrosed. The condition of the arm as we found it to exist at that time, we believe, could not have been produced by any other cause than the gunshot wound as alleged."

The last medical examination had by the board at Kansas City, Mo., February 15, 1893, and which is in line with the previous examinations, and which was made very carefully under instructions from the Pension Bureau, the soldier being stripped and subjected to every test known to the science of medicine and surgery, clearly demonstrates the merits of applicant's claim that his present paralysis and loss of sight is due to the gunshot wound. The board reports as follows:

"Upon examination we find the following objective conditions: Pulse rate, 90 to 108; respiration, 20; temperature, 98½; height, 5 feet 9 inches; weight, 157 pounds; age, 48 years. The right arm amputated 7 inches below the acromion; right shoulder is 2½ inches smaller than the left. The right arm, 4 inches below acromion, is 3 inches less in size than its fellow. The stump is tender, the bone is well covered. There is enlargement of the end of the bone, which is also rough and irregular in outline. Violent paralysis agitans in the right arm, still more severe in the left arm and entire body, including the head, and affecting speech. The lower limbs are involved; violent muscular twitching of arms and trunk. Hyperesthesia along the entire spine, also hyperesthesia of scalp and face, with tender points on left side; tongue tremulous; incoordination of left arm—does not come within 1 foot of a point (with closed eyes)—incoordination of lower limbs, less marked than in the upper; great tenderness over the ulnar nerve in right axilla—the nerve, with its sheath, is many times its normal size.

"Pupils of eyes 4 millimeters in size, but little affected by strong reflected light; atrophy of disks, pale retina (spinal amourosis); vision is indefinite, tests do not apply; he sees very well for all his purposes, however. No increase of cardiac dullness, but by reason of the palsy agitans we can not differentiate any of the cardiac sounds. The body is in a constant tremor. Claimant was nude while being examined, and the examination was long and careful. Employed all needed tests, such as aesthesiometer, dynamometer, electrical tests (in three forms), ophthalmoscope, etc.

"Claimant has lost an arm above the elbow; a bad stump with diseased bone and extensive muscular atrophy remain, results of the original gunshot wound; ascending neural sclerosis as shown by the condition of ulnar nerve in the axilla. The condition of the spine and all nerves emanating therefrom is shown by the palsy agitans and the amourosis.

"This condition of the eyes may be due to either meningeal thickening at base of brain, or the disease of spine may thus affect the retina through the sympathetic, or both. The loss of coordinating power is very marked. Claimant, by reason of this, is totally unable to walk or stand alone (eyes open or shut); he can not dress or undress himself or cut up his food. He reaches his mouth by making an effort, working along till he reaches it. Claimant is so totally and permanently helpless from result of gunshot wound affecting spine and nervous system that he requires the personal aid and attention of another person for a larger portion of the time and for nearly all purposes. Rate, total first grade, \$72 per month."

The Pension Bureau refuses to accept the paralysis agitans and amourosis as result of the gunshot wound, notwithstanding the ample medical testimony by those who had the soldier before them from time to time and made careful and painstaking examination.

Your committee place more reliance on the medical testimony showing the deplorable condition of this old veteran than upon the action of the Pension Office, and therefore urgently recommend the passage of this bill.

The bill was laid aside to be reported favorably.

HELEN M. MALLERY.

The next business was the bill (S. 724) granting an increase of pension to Helen M. Mallery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Helen M. Mallery, widow of Garrick Mallery, late captain and brevet lieutenant-colonel, United States Army, and lieutenant-colonel Thirteenth Pennsylvania Cavalry and brevet colonel, United States Volunteers, to \$50 per month, and pay her a pension hereafter at that rate.

Mr. DINGLEY. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 724) granting an increase of pension to Helen M. Mallery, having carefully examined the evidence presented, report as follows:

Her late husband, Garrick Mallery, entered the Army as captain in the Seventy-first Pennsylvania Volunteer Infantry June 4, 1861, and served in that regiment until February 16, 1863, when he was promoted lieutenant-colonel of Thirteenth Pennsylvania Cavalry, and served as such to June 15, 1864, when he became lieutenant-colonel in the Veteran Reserve Corps, and served in that capacity until appointed a captain in the Thirteenth United States Infantry, to date from July 23, 1866. He was retired with the rank of captain July 1, 1879, on account of wounds received at the battle of Peach Orchard, Virginia. He was brevetted colonel of volunteers for gallant and meritorious services during the war, and major and lieutenant-colonel in the Regular Army for gallant services in a skirmish at Garnett's Farm and in the battle of Peach Orchard, Virginia.

He was engaged in actions at Lewinsville, Munson's Hill, Falls Church, Balls Bluff, Fair Oaks, Seven Pines, and at Savage Station, where he was taken prisoner, having received two severe wounds, and left on the field, from whence he was taken to Libby Prison at Richmond, Va. The effects of these wounds and the privations of Libby Prison reduced Colonel Mallery to such extremity that his life was despaired of, when he was exchanged and sent to Philadelphia, Pa., where he was restored to comfortable health, though never again a well man.

The interest taken in this young officer by the great War Secretary is shown by the accompanying letter, sent to him at the time of his exchange.

He was honorably mentioned in the records of the rebellion in the report of the Seven Days Fight, and his services were conspicuous, not only for his gallantry in battle, but for his marked ability as an executive officer. He died October 24, 1894, from diseases contracted in the service.

The beneficiary of this bill is entirely without income for her support, except the pension which she is now receiving, of \$30 per month. She is a lady of high culture and refinement, but broken down in health and unable to engage in any occupation for her support. She has no relatives to whom she can turn for aid, hence the urgent need of the relief proposed by this bill, the passage of which is earnestly recommended by your committee.

WAR DEPARTMENT,
Washington City, D. C., July 23, 1892.

Capt. Garrick Mallery, Seventy-first Pennsylvania Volunteers, has leave of absence for thirty days, with privilege of returning to his home, for the restoration of his health.

EDWIN M. STANTON,
Secretary of War.

Indorsed: Paid for May and June, 1892. David Taggart, paymaster, U. S. A.

DEAR SIR: I inclose with the above furlough \$100 of my own private funds to enable you to get home comfortably, as I understand from Mr. Nidi that you are short. You can replace it at your convenience. Congratulating you on your safety and honorable service, with respects to your father, with whom I have the pleasure of an acquaintance,

I am, yours, truly,
EDWIN M. STANTON.

A true copy.

A. W. SULLY, Surgeon, U. S. A.

The bill was laid aside to be reported favorably.

PRICILLA R. BURNS.

The next business was the bill (H. R. 5938) for the relief of Pricilla R. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Pricilla R. Burns, widow of the late Gen. William W. Burns, of the United States Army, on the pension roll at the rate of \$75 per month, in lieu of the amount she now receives.

The amendments reported by the committee were read, as follows:

In line 5 strike out "General" and insert "Brigadier-General."
In line 7 strike out "seventy-five" and insert "fifty"; so as to make the pension \$50 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5938) for the relief of Pricilla R. Burns, submit the following report:

Pricilla R. Burns is the widow of Brig. Gen. William W. Burns. The bill as introduced gave her a pension of \$75 per month.

Her husband had an especially meritorious military career, and he received several brevets and many testimonials for his gallant services in the war of the rebellion.

He commanded a company in the war with Mexico and a brigade in the Shenandoah Valley and a division in the Rappahannock campaign in the late war.

At the battle of Savage Station General Burns was severely wounded in the face, but notwithstanding his wound he continued in the field in command until the enemy had been repulsed and the battle was over. For his gallant and meritorious conduct on this field he was recommended by Major-General Sedgwick for appointment as major-general of volunteers.

The following letters are appended:

"Brig. Gen. L. THOMAS,

Adjutant-General United States Army, Washington, D. C.:

"I have the honor to present to the honorable Secretary of War for his consideration the name of Brig. Gen. W. W. Burns for the appointment of major-general of volunteers. General Burns commanded a brigade in my division at the siege of Yorktown, the affair at West Point, and the battles of Fair Oaks and Allens Farm. At the battle of Savage Station he commanded at the point of attack and handsomely repulsed the enemy, receiving a severe wound in the face. On the next day at the battle of Glendale he was warmly engaged. At these two engagements I consider his services were brilliant and well merit promotion.

"JOHN SEDGWICK,
Major-General Volunteers.

"I very cordially agree with General Sedgwick in his recommendation. I have known General Burns well, and know he has fairly earned his promotion.

"E. V. SUMNER,
Commanding Corps."

"As the commander of the Army of the Potomac during the period referred to in the preceding letters, I feel it a pleasure as well as a duty to bear testimony to the worth of General Burns and the value of his services. General Sumner in his indorsement, and General Sedgwick in his report of July 5 and letter of July 6, 1862, have not overrated the importance of the services rendered by General Burns during the period from June 29 to July 2, 1862. General Burns was severely wounded on the 20th, but nevertheless, retained his command. The conduct of General Burns at Savage Station and at Glendale on the 29th and 30th was something more than that display of gallantry which every brigadier commander ought to possess. In both instances the successes achieved were against large odds and (especially in the latter case) under very trying circumstances, and one of vital importance to the success of the movement then in progress. During the entire period that General Burns served in the Army of the Potomac under my command his services were eminently satisfactory, as they also were on my staff in western Virginia.

"GEORGE B. McCLELLAN."

Mrs. Burns is poor and without other means of support than her pension of \$30 per month.

The committee recommend the following amendments, and that as amended the bill do pass:

Amendments: In line 5, before the word "General," insert "Brigadier," and in line 6 strike out the word "seventy-five" and insert "fifty."

Mr. TALBERT. I move to amend this bill by striking out "\$75" and inserting "\$50."

The SPEAKER. That is the pending amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

WILLIAM LORING SPENCER.

The next business was the bill (S. 1699) for the relief of William Loring Spencer.

Mr. PICKLER. I ask that this bill may be passed over. A House bill for the relief of Mrs. Spencer has already been passed by the Committee of the Whole and is now on the Calendar as unfinished business.

The CHAIRMAN. Without objection, this bill will be passed over informally.

Mr. STEWART of New Jersey. I object. I desire to have this bill disposed of.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of William Loring Spencer widow of George E. Spencer, late colonel First Regiment Alabama Cavalry, at the rate of \$75 per month.

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

In line 8 strike out "seventy-five" and insert "thirty," so as to make the pension \$30 a month.

Mr. STEWART of New Jersey. Mr. Chairman, when the House bill corresponding to this was up for consideration the other day the distinguished chairman of the Committee on Military Affairs insinuated that the statements made with reference to the physical condition of Mrs. Spencer were not true. Since that time I have at considerable trouble obtained certificates from physicians and from other sources corroborative of those statements—showing, indeed, that many of the statements then made were not as strong as they should have been. I will first read the doctor's certificate:

WINNEMUCCA, NEV., May 7, 1896.

I hereby certify that Mrs. W. Loring Spencer is suffering from angina pectoris and chronic pen paralysis.

H. HAGAR, M. D.

Subscribed and sworn to before me this 8th day of May, 1896, by H. Hagar, who is a practicing physician in the town of Winnemucca, Humboldt County, Nev.

[SEAL.]

L. F. DUNN,

County Clerk and ex officio Clerk of the Second Judicial District Court of Nevada, in and for Humboldt County.

I also call attention to the following:

UNITED STATES SENATE, Washington, D. C., May 11, 1896.

U. H. PAINTER, Washington, D. C.

MY DEAR SIR: I am sorry that I did not see you when you called at my committee room this afternoon.

You ask me to say a kind word about General Dodge. I have known him for more than thirty years. He entered the military service at the beginning of the war and continued to the end, being a major at the beginning and a major-general at the end. He was one of the most trusted corps commanders under General Grant in the Western Army. He is a man of splendid judgment, accurate observation, and always knows what he is talking about, and is truthful in every statement he makes. So, if he has made any statement as respects the military record of any one, I should regard it as a valuable statement for the purpose he may have in view.

Very truly, yours,

W. B. ALLISON.

Knowing General Dodge intimately, I earnestly concur in all of the foregoing.

D. B. HENDERSON.

We all know who HENDERSON is and who ALLISON is.

I have known Gen. G. M. Dodge over thirty years. He is one of Iowa's most foremost men, and any statement made by him would be considered by those who know him to be true. He is a man of high sense of honor and a personal friend.

JOHN W. GEAR.

We know who GEAR is.

I ask attention also to the following:

NO. 1 BROADWAY, NEW YORK, May 12, 1896.

DEAR SIR: Replying to your letter of May 11 in relation to Gen. George E. Spencer, I do not see how I can write anything stronger than in my letter dated St. Louis, May 9, 1895, where I recommended him for promotion to the rank of brigadier-general.

On my staff he took part in all the engagements which my command was in up to Kennesaw Mountain, and you will find him mentioned in my official report with proper credit.

Whilst in command of the Alabama cavalry, in the District of Corinth, he took part in several noted raids, and no doubt his official reports of this are on file.

When he left me in June, 1864, to resume command of his regiment, he fell under the direct command of General Van Dever, at Rome, Ga., a detached portion of my corps. After that he fell directly under the command of General Sherman and took part in all the engagements up to the Carolinas, commanding a brigade in Kilpatrick's division, and whatever battles he took part in while in that division no doubt his official reports will show.

There is no doubt as to General Spencer's standing as an officer, his courage, and the ability with which he handled his men on the battlefield.

He had good judgment, and was an officer that great discretion could be given when sent with orders. In addition to this, during the time I held the country and protected Grant's flank in the Vicksburg campaign, General Spencer was sent with some very important communications to the enemy, penetrating far into their lines and territory. He also was with me when I made the campaign to Bragg's rear, destroying his supplies in the Tennessee Valley. He performed all these duties with great credit, never failing to accomplish what he was sent for.

I am, truly, yours,

G. M. DODGE.

U. H. PAINTER, Esq., Washington, D. C.

Now, in view of these corroborative proofs I ask that the Senate bill be passed without the amendment of the House committee. We ask the paltry amount of \$75 a month for the widow of General Spencer, who for twelve years served his State in the United States Senate and who for gallantry upon the field of battle was brevetted a major-general. We ask simply for \$75 a month. Over and over again we have seen instances where this amount has been given in this House to the widows of undistinguished and unknown men. I ask for the destitute widow of General Spencer simple justice.

Mr. CROWTHER. I wish to say in reply to my friend from New Jersey [Mr. STEWART] that we are proposing to pension the widow not of General Spencer but of Colonel Spencer, for the rank of colonel was the highest he ever attained during the war. Nor are we engaged in pensioning ex-Senators of the United States or their widows. We are proposing to pension the widow of Colonel Spencer at the highest figure that the law allows in such cases—

\$30 a month. A House bill granting that amount has been passed. The committee have carefully considered this question, and they have unanimously recommended that this Senate bill be reduced in amount from \$75 to \$30 a month, which is what the law would give her if she could prove that her husband's death originated from army service.

Mr. BAKER of New Hampshire. Mr. Chairman, in this case, though it may be true that the highest actual rank held by General Spencer was that of colonel, yet it is not by any means true that the committee or the House has confined the rate allowed on pensions to that fixed by the law.

Here is one of those meritorious cases where this widow should receive such a pension as the committee has been accustomed to give the widows of other officers of like grade. I can not understand how the committee, in view of its other recommendations, should recommend the cutting down of this pension to \$30 a month. At least there should have been \$50 to make it at all commensurate with what the committee has very frequently done in other cases, and at the proper time I shall move to strike out "thirty," if that amendment of the committee is insisted upon, and insert "fifty."

Mr. CROWTHER. Mr. Chairman, I move, as a substitute for the pending amendment, that the Senate bill lie on the table. The House bill has been passed for the same beneficiary.

Mr. DINGLEY. The motion should be, that the bill be reported to the House with the recommendation that such action be taken.

The CHAIRMAN. The gentleman moves that the committee recommend that the bill lie on the table.

Mr. SHERMAN. I make the point of order that that can not be done. It can not be laid on the table in committee.

Mr. PICKLER. What is the parliamentary status of the bill now? Will the Chair be kind enough to explain?

The CHAIRMAN. The only question is with reference to this bill. It is a Senate bill—

Mr. PICKLER. But this same bill, or a bill pensioning the same party, passed the committee last week and is among the unfinished business yet on the Calendar. This bill or the other bill ought to lie on the table.

The CHAIRMAN. The Chair understands that the other was a House bill. This is a Senate bill. But it is competent for this committee to recommend either or both favorably or otherwise.

Mr. CROWTHER. In order to facilitate the granting of pension to this party, I will withdraw my motion to recommend that it lie on the table and let the bill of the Senate be passed with the amendment recommended by the committee.

Mr. PICKLER. The House passed the bill for \$30 a month the other day.

Mr. ALLEN of Utah. I do not understand whether this is a bill for General Spencer or his widow.

The CHAIRMAN. The Chair is unable to give any other information than that appearing in the bill.

Mr. ALLEN of Utah. Gentlemen are talking of a pension to a widow in this case, but on the Calendar it seems to be a pension for General Spencer himself.

Mr. STEWART of New Jersey. The name given in the title of the bill is the name of this lady herself.

Mr. MILNES. I move that that part of the bill be read again, to see who is the beneficiary.

The CHAIRMAN. Without objection, that order will be made. There was no objection; and the bill was again reported.

Mr. BAKER of New Hampshire. Now, Mr. Chairman, I move to amend the committee amendment by striking out "thirty" and inserting "fifty."

Mr. STEWART of New Jersey. I accept that amendment.

The question being taken on the amendment to the amendment, the committee divided; and there were—ayes 41, noes 46.

Mr. STEWART of New Jersey. I ask for tellers. Tellers were ordered.

The Chairman announced the appointment of Mr. BAKER of New Hampshire and Mr. PICKLER as tellers.

Mr. TALBERT. I rise to a parliamentary inquiry. As I understand it, the motion of the gentleman from New Hampshire is to strike out "thirty" and insert "fifty." Now all of those voting in favor of that amendment express themselves in favor of fixing \$50 by the House as against the rule fixed in the Senate, whereas those who vote against it are practically in favor of \$75 a month pension in these cases.

The CHAIRMAN. The Chair can only state that the amendment of the committee is to strike out "seventy-five" and insert "thirty," to which the gentleman from New Hampshire moves an amendment by striking out the amendment proposed by the committee—that is, "thirty"—and inserting "fifty."

Mr. TALBERT. Exactly; and if we do not get the fifty we will have to take the seventy-five.

The committee divided; and the tellers reported—ayes 81, noes 43. So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

Mr. MILNES. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILNES. If I understood the bill when it was read a moment or two ago it was to pension "William" Somebody. I understand the object is to pension a widow—

Mr. WHEELER. That is her name—William Loring Spencer.

Mr. BARRETT. That is her correct name.

The CHAIRMAN. The Chair can only state what the bill contains.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee recommend that the House bill lie on the table.

The CHAIRMAN. The Chair understands that the House bill has been reported to the House. Under those circumstances the committee would have no jurisdiction, and the motion would be out of order.

Mr. PICKLER. I thought it was in the committee, but I believe it has been reported to the House.

The CHAIRMAN. The Clerk will report the next bill.

ALEXANDER C. MORRISON.

The next business on the Private Calendar was the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Alexander C. Morrison, late a corporal in Company E, Fourth Iowa Veteran Volunteer Cavalry, and pay him a pension of \$30 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison, having carefully considered the facts in the case, respectfully report:

The soldier enlisted September 23, 1861, in Company E, Fourth Iowa Cavalry, and was honorably discharged August 8, 1865. The records show that from December 9, 1864, to June 16, 1865, he was in hospital under treatment for injury to leg, diarrhea, and other complications, incurred and contracted in line of duty.

October 3, 1876, he was pensioned at \$2; March 30, 1880, increased to \$4; December 1, 1881, to \$6; July 22, 1885, to \$8; June 13, 1888, to \$17.

The gradual aggravation of claimant's disabilities during this time is indicated by the reports of the examining boards, as follows:

February 1, 1878, one-half total; March 30, 1880, "a difficult case to rate"; December 1, 1881, three-fourths total; July 22, 1885, total; June 14, 1888, sixteen-eightieths.

In 1890 he filed an increase claim, alleging disease of eyes, scurvy, piles, deafness, and general debility, in addition to injury to leg, varicose veins, and ulcers.

January 6, 1892, the examining board rates him thus: Injury and ulceration of left leg, ten-eightieths; varicose veins, four-eightieths; deafness, six-eightieths; scurvy, two-eightieths; piles, two-eightieths.

February 16, 1894, the claim was approved for disease of eyes, deafness, piles, scurvy and results, the examiner saying:

"Disease of eyes, piles, and impaired hearing of both ears can not be rejected on medical grounds."

The medical referee, however, found other grounds on which to disallow the claim, and uses this language:

"Injury to left leg and resulting varicose veins and ulcers, seventeen-eightieths; no increase. Piles, four-eightieths—rate for combined disabilities not to exceed seventeen-eightieths. Reject claim for disease of eyes and deafness; no ratable disability since filing."

The rating for scurvy and results seems to have been lost sight of entirely. Claimant is 60 years of age, and the medical and lay evidence on file in the Pension Bureau shows that he has been for several years and is now totally disabled.

Your committee believe that the soldier is justly entitled to \$30 per month, and therefore respectfully recommend the passage of the bill.

Mr. PICKLER. Mr. Chairman, I desire to call attention to the action which the committee has just taken in regard to the pensioning of generals' widows. I want to state in behalf of the Committee on Invalid Pensions, and I want it understood, that this Committee of the Whole on last Wednesday and to-day have repeatedly and persistently put up the amounts recommended by the Committee on Invalid Pensions in pensioning generals' widows. Last week the bill to pension Mrs. Spencer passed the Committee of the Whole at \$30 on the recommendation of the Committee on Invalid Pensions. To-day this Committee of the Whole disregard that recommendation and pass the same bill at \$50. And so in regard to other bills. I do not refer particularly to the case of Mrs. Spencer, but I am speaking generally on the subject. The Committee on Invalid Pensions were criticised early in the session for reporting bills which were alleged to be for large amounts; but I desire to call the attention of the Committee of the Whole to the fact that the Committee of the Whole is persistently going above the recommendations of the Committee on Invalid Pensions in the cases of brigadier-generals and major-generals. I hope that the Committee on Invalid Pensions will not be criticised hereafter by anybody on this floor in that regard.

Mr. TALBERT. Mr. Chairman—

Mr. PICKLER. Mr. Chairman, I can not yield now.

The CHAIRMAN. The gentleman from South Dakota declines to yield.

Mr. PICKLER. It seems in every case, as I stated here the other evening, that when a bill comes from a State in which

gentlemen reside they forget all about the theory which they advocate as to other bills. I merely desire to call attention to the fact that the Committee on Invalid Pensions are proving to be the conservative body connected with this House, and that this Committee of the Whole are voting up and increasing the recommendations of the Committee on Invalid Pensions in the case of generals and generals' widows.

Mr. TALBERT. I desire to second the motion of the gentleman in his endeavor to establish a uniform rate of pensions for officers and officers' widows. I have gone hand in hand with the gentleman in that respect; but I want to say that I have failed to control the Democratic party on this side of the House, who rush through like stall-fed horses and vote for \$75 and \$100 every time when \$50 is proposed. I will do all I can to help the gentleman, but I can not control the boys on this side. [Laughter.]

Mr. WOOD. Mr. Chairman, I desire to call the attention of the committee, and of the country as well, to the fact that the chairman of the Committee on Invalid Pensions [Mr. PICKLER] voted to disregard the action of the committee in reducing the pension of Mrs. Spencer from \$75 to \$30 per month and to put it up to \$50.

Mr. PICKLER. I beg the gentleman's pardon. He is mistaken. I did not do any such thing. The Committee on Invalid Pensions recommended that bill at \$30 a month.

Mr. WOOD. And the gentleman got up and accepted an amendment providing \$50.

Mr. PICKLER. No; we cut the Senate bill down to \$30.

Mr. WOOD. I understand that, but I am speaking of what occurred here on the floor.

Mr. PICKLER. I would not misrepresent the committee.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GIDEON L. M'GINNIS.

The next business on the Private Calendar was the bill (H. R. 6549) granting a pension to Gideon L. McGinnis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Gideon L. McGinnis, late of Company K, Thirteenth Illinois Cavalry, and pay him a pension of \$30 per month.

The Committee on Invalid Pensions recommended inserting in line 5, after the word "late," the words "a private."

The amendment recommended by the committee was agreed to.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6549) granting a pension to Gideon L. McGinnis, having carefully considered the facts in the case, respectfully report:

Claimant enlisted April 1, 1862, in Company D, Thirteenth Illinois Cavalry, and was honorably discharged April 4, 1865.

He applied for pension under the old law, alleging diarrhea, piles, and rheumatism contracted in line of duty. His allegation as to origin is substantiated by the testimony of one comrade, and the records report him sick during July and August, 1862, and show that he was in hospital under treatment for fever and dysentery in August and October, 1864. Continuance of disability is satisfactorily proved down to the year 1870, after which time and until about 1885 the claimant did not reside long enough at any one place to allow acquaintances to gain a knowledge of his infirmities.

December 17, 1890, the examining board gives him a rating of sixteen-eightieths.

He is now drawing a pension of \$12 under the act of June 27, 1890.

Since his last examination his disabilities have greatly increased, and the affidavits of several neighbors show him to be a man of good habits, worthy of belief, almost destitute, and totally disabled at the present time. If he could prove continuance he would undoubtedly be entitled to \$30 per month, and in view of all the facts your committee respectfully recommend the passage of the bill with the following amendment:

In line 5, after the word "late," insert "a private."

Mr. GROSVENOR. Mr. Chairman, I hope the Committee of the Whole House will be admonished by the chairman of the Committee on Invalid Pensions not to interfere with the reports of that committee. The fact about it is, I do not know why this Committee of the Whole is here. I do not know any earthly use that it fills. There is no demand for it that I know of. The Committee on Invalid Pensions alone is quite sufficient to do this business, I find. In point of fact, if I had my way about it, I would leave the whole subject to the chairman of the Committee on Invalid Pensions.

Mr. PICKLER. You would do well. I am always here, and that is more than the gentleman from Ohio can say.

Mr. GROSVENOR. Yes; one of the most efficient men on earth is the chairman of that committee. I know it, for he has admitted it to me [laughter], and admissions are competent proof in cases of that character.

Mr. PICKLER. They ought to be.

Mr. GROSVENOR. The gentleman admits that he is always here, and now he reprimands the boys for undertaking to have a voice in this matter. I advise that hereafter there be no interference with the reports of the Committee on Invalid Pensions. They understand it, and you do not know anything about it. Now, let us go ahead and get this thing through as fast as we can. I want to get to some bills a good deal farther down on the Calendar than we are now.

Mr. PICKLER. You are in favor of going above the recommendations of the Committee on Invalid Pensions in the cases of generals.

Mr. GROSVENOR. Oh, I am opposed to any interference with the reports of the Committee on Invalid Pensions.

Mr. PICKLER. The gentleman from Ohio is a great deal better on blackboard exercises than he is on pensions. [Laughter.] The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

A bill (S. 2913) granting a pension of \$20 a month to Nettie A. Cheeks;

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut;

A bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes;

Joint resolution (S. Res. 185) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States; and

A bill (S. 2337) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia.

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

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana;

A bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 6298) to correct military record of Charles K. Jenree, etc.;

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes; and

A bill (H. R. 7161) for the relief of Benjamin F. Jones.

The message also announced that the Senate had passed without amendment the bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880.

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

Resolved, That the Secretary be directed to return to the House, in compliance with its request, its resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. PROCTOR, Mr. FAULKNER, and Mr. McMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, asked a conference on the bill and amendments, and had appointed Mr. NELSON, Mr. PASCO, and Mr. McMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north

line of St. Clair County, Ill., and the southwest line of said county, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada as the conferees on the part of the Senate.

The committee again resumed its session.

SARAH A. STACEY.

The next business on the Private Calendar was the bill (H. R. 6046) granting a pension to Mary A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States at the rate now authorized to be paid to pensioners of a similar class the name of Mary A. Stacey, dependent mother of Manley T. Stacey, late a private of Company D, One hundred and eleventh Regiment New York Infantry Volunteers.

Mr. POOLE. Mr. Chairman, I move to amend by striking out the word "Mary" and inserting the word "Sarah"; also to change the title in the same way.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the word "Mary" and insert the word "Sarah"; so as to read "Sarah A. Stacey."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection, and it was so ordered.

Mr. POOLE. Mr. Chairman, I can state briefly the contents of the report, if I may be permitted to do so. The bill proposes to pension Sarah A. Stacey as the dependent mother of Manley T. Stacey, who was accidentally killed while in the Army. He was accidentally shot, and the Pension Office decided that it was not in the line of duty. The fact is that he and several comrades were scuffling, and in the course of the scuffle they picked up a revolver that was supposed to be empty, and one of the boys pointed the revolver at this man and fired. The result was that he was instantly killed. The Pension Office can not grant a pension to the woman on that ground. She is now about 70 years old and very poor. The bill is a very meritorious one, and I hope there will be no opposition.

Mr. ERDMAN. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6046) to pension Mary A. Stacey, after duly considering the same, together with the evidence submitted in support thereof, respectfully report as follows:

Manley T. Stacey enlisted August 6, 1862, in Company D, One hundred and eleventh Regiment New York Volunteers, and died in the regimental hospital at or near Brandy Station, Va., on the 6th day of December, 1863.

On the latter date he, with two of his comrades, was in the tent of their captain, and one of the party, Catlin by name, picked up an old revolver and began playfully snapping it at young Stacey. Unknown to Catlin, one of the chambers of the revolver was loaded and the charge exploded, the bullet lodging in the brain of young Stacey, who died in less than half an hour thereafter. The only persons who were actual witnesses of the accident were Charles M. Catlin and Luther Rogers, the latter now deceased.

The evidence as to the circumstances attending the accident varies in some particulars, but in the main is very plain and convincing.

In a letter to his wife, written at the date of the accident and published in the Lyons (N. Y.) Republican of January 1, 1864, Capt. Sebastian Holmes, of Company D, One hundred and eleventh New York Volunteers, says:

"Only a few moments since Sergeants Catlin, Rogers, and Stacey were in my quarters chatting together, when Catlin picked up Lieutenant Green's revolver (which he did not know was loaded) and went to snapping it. There happened to be two loads in it and one of them went off, the ball hitting Stacey in the corner of his eye, killing him almost instantly."

In an affidavit made in January last he says he was not present at the time of the accident, but was in a tent just in rear; that as reported to him at the time by those present, Stacey was backing his boots at the time when Catlin fired the revolver.

Charles M. Catlin, when examined by a special examiner of the Bureau of Pensions, November 23, 1895, said that he and Rogers and Stacey were in the quarters of Lieutenant Green; that they were fooling with each other; that they found an old revolver; that he can not tell who handled the revolver first, but thinks they all had hold of it; that they were fooling with each other; that he could not tell how many times he snapped the revolver at Stacey before it went off; that both Captain Holmes and Lieutenant Green were on the scene within a few moments of the accident.

Lieutenant Green, examined in November, 1895, testified that he heard the shot fired and ran to the scene of the accident immediately; that he heard at the time from those present that Catlin and Rogers had been fooling with firearms; that he never heard that Stacey had any in his hands; that the only firearms in the tent were his [Lieutenant Green's] revolver and Rogers's musket; that Catlin got the revolver down and began snapping it at Stacey; that Stacey would each time the revolver was snapped at him fall and pretend he was hit, until finally Catlin came to the loaded chamber and the revolver was fired, hitting Stacey in the forehead.

Sarah A. Stacey, the beneficiary named in this bill, is shown to be the dependent mother of the victim of this accident. She is 75 years of age and in feeble health. The special examiner who was detailed by the Pension Bureau to examine as to the question of her dependence reports as follows:

"They [Mrs. Stacey and her daughter] are in straitened circumstances, and are borrowing money of friends to live on. About all the income they have is what a poor, sickly daughter can earn by teaching music."

In 1893 Mrs. Stacey filed her claim with the Pension Bureau, and after exhausting her ability to furnish further testimony submitted her case. Her claim was rejected upon the ground that the soldier's death did not occur in the line of duty.

Your committee are of the opinion that the circumstances of this case are of such a character as to warrant the intervention of Congress for the relief of this widowed mother. The evidence clearly shows that the victim of this

distressing accident was wholly blameless. There is no evidence tending to show that this party of comrades were wrongfully in the tent of their captain; indeed, it appears from the evidence that one of the party (Rogers) tented with Captain Holmes. Nor does it appear that Stacey was violating any order or military regulation at the time he was shot, but was presumably conducting himself as a soldier not on duty might properly conduct himself. The evidence does not bear out the conclusion that he in any way contributed to the negligence which was the cause of his death.

Your committee therefore respectfully recommend that this bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVE M. LEWIS.

The next business on the Private Calendar was the bill (H. R. 6472) granting a pension to Olive M. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place upon the pension roll the name of Olive M. Lewis, widow of John B. Knight, late of Company C, Second New Jersey Volunteer Infantry, and pay her a pension of \$12 dollars per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6472) granting a pension of \$12 per month to Olive M. Lewis, as widow of John B. Knight, late of Company C, Second New Jersey Volunteer Infantry, having examined and fully considered all the facts and circumstances in evidence, respectfully report as follows:

John B. Knight enlisted as corporal, Company C, Second New Jersey Volunteer Infantry, May 27, 1861, and died in hospital at Philadelphia, Pa., September 3, 1862, from dysentery contracted in service. He had been previously married, and three children, Edward L., born September 23, 1850; Ida M., born July 29, 1853, and Sarah, born November 17, 1854, were the fruits of this prior marriage. His first wife died September 7, 1858.

He was married to the claimant December 29, 1861, by whom he had no children, but claimant brought up, cared for, and educated his children by the previous marriage of her husband.

Her stepson, Edward L. Knight, enlisted in the United States Navy, on U. S. S. *Portsmouth*, March 16, 1865, and faithfully served until July 16, 1870, when he was honorably discharged. He was sick at date of discharge with chronic disease of lungs, contracted while in the service, and speedily became more weak and helpless, and died with consumption on September 23, 1870, about two months after discharge.

Applicant applied for pension as dependent upon this stepson, Edward L. Knight, who had recognized his obligation to contribute to her support and maintenance, on July 28, 1890, under the act of June 27, 1890; but the claim was rejected February 16, 1893, on the ground that she was not the mother of the soldier.

She is now 62 years of age, in destitute circumstances, having cared for, brought up, and educated her husband's children (including her stepson, Edward L. Knight, kindly laboring for him in his last illness, contracted while he was in the service) until they could care for themselves.

Your committee believe she should be pensioned, and recommend that the bill be amended by striking out all after the word "Lewis," in the fifth line, and adding in lieu thereof the following: "Dependent stepmother of Edward L. Knight, late of the U. S. S. *Portsmouth*, of the United States Navy, and pay her a pension of \$12 per month," and as so amended urgently favor the passage of the bill.

Mr. TALBERT. Mr. Chairman, it seems to me that this is an entirely new departure. This is to grant a pension in the interest of a stepmother. I do not think there is any precedent for it; and if this House passes this bill it will be establishing a precedent, so that stepmothers can come in and draw pensions.

Mr. PICKLER. That has always been the case, let me say to the gentleman from South Carolina.

Mr. TALBERT. I will ask the gentleman if that has been done before?

Mr. PICKLER. If the stepmother had the care of the child, and the boy then became a soldier, pension has been granted.

Mr. TALBERT. Is there any precedent?

Mr. PICKLER. If in the early years of the child's life she takes the place of a mother, Congress has time and again granted a pension.

Mr. TALBERT. But the precedent is by a special bill.

Mr. PICKLER. It is by special bill.

Mr. TALBERT. There is nothing in the general law that allows this.

Mr. PICKLER. There is nothing in the general law that allows it.

Mr. TALBERT. I would like to ask the chairman of the Committee on Invalid Pensions, and I am only asking for information, Why does she not draw a pension as the widow of her husband?

Mr. PICKLER. This is the case of a stepmother. Her husband was not a soldier. It was her stepson that was the soldier. The boy she took when a child went into the service.

Mr. TALBERT. Then this is a case of step all around, is it?

Mr. PICKLER. It is the case of a stepmother. The soldier was a stepson.

Mr. TALBERT. They propose to step into a pension?

Mr. ERDMAN. Allow me to call the attention of the gentleman to the fact that John B. Knight was the husband of this woman and he enlisted as corporal in Company C of the Second New Jersey Volunteer Infantry, and died from dysentery contracted in the service. The stepson, Edward L. Knight, is the one on account of whose service she is asking for a pension. Why not pension her as the widow of the husband instead of as the stepmother of a stepson?

Mr. PICKLER. I do not know.

Mr. ERDMAN. Is she going to draw two pensions?

Mr. PICKLER. No; she is not drawing a pension.

Mr. LOUD (to Mr. ERDMAN). Probably she remarried.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PICKLER. I am informed by the clerk of the committee that she remarried.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSIAH P. BRADBURY.

The next business on the Private Calendar was the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized to increase the pension of Josiah P. Bradbury, late private in Company M, First Maine Heavy Artillery, and pay him at the rate of \$30 per month in lieu of the pension now paid him by certificate No. 65366.

Mr. PICKLER. Mr. Chairman, I desire to say that I will move that the committee rise at fifteen minutes past 5, and then move that the House adjourn.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury, having very carefully considered the evidence on file here, as well as the Pension Office papers, report as follows:

This soldier served in Company B, Eleventh Wisconsin Volunteer Infantry, from September 18, 1861, to April 10, 1863, when he was discharged on surgeon's certificate of disability, which shows that he was incapable of performing the duties of a soldier, because of—

"Exposure to malaria at Helena, Ark., in August, 1862, in consequence of which he has dysentery and intermittent fever, which first has become chronic, still continues, and is incurable (in the Army). He is otherwise physically incompetent for the duties of a soldier. He again enlisted January 2, 1864, this time in Company M, First Maine Volunteer Home Guards, and was again discharged for disability September 20, 1865, on account of a wound received in battle before Petersburg, June 18, 1864; ball passed through right leg just below the knee transversely. Necrosis and much lameness have resulted. Unfit for the Veteran Reserve Corps. Degree of disability, three-fourths.

"Soldier is pensioned at \$17 for gunshot wound of right knee and malarial poisoning. Certificate of medical examination by board of United States examining surgeons, made on June 5, 1865, shows: Right knee, extension complete; flexion not possible beyond a right angle. Has depressed, adherent, very tender cicatrix (depression, three-fourths inch below general surface); inner side head of tibia, one-half inch by 2½ inches, showing recent scab of oozing pus. Right patella movable, irregular in conformation, with distinct separation of old fracture lines; depressions about one-fourth inch wide. Right leg also a mass of varices; very few varices on left leg. Uses crutches constantly. It is our opinion that claimant is disabled as result of this injury equivalent to the loss of the leg at the knee joint, the varices increasing the amount of suffering to such an extent that labor is impossible, while the appearance of the cicatrix is of angry recurrences of necrotic processes."

It is apparent from this description that the soldier is in a worse condition and more disabled than if his right leg were amputated below the knee, and as this condition is found to be due to the wound for which he is pensioned by the board of surgeons, who had the man before them and had chance to see for themselves just how he is affected, your committee are inclined to be governed by their judgment rather than by that of the medical referee of the Pension Office, who has not seen the soldier, especially as the finding of the local board is corroborated by other medical evidence showing that claimant is wholly disabled for manual labor, and they therefore recommend the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

JENNIE E. MOORE.

The next business on the Private Calendar was the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

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 Miss Jennie E. Moore, orphan, invalid daughter of Charles E. Moore, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and Lovina J. Moore, his wife, now both dead, and grant her a pension of \$30 per month.

The report (by Mr. WOOD) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore, submit the following report. The evidence in this case shows that Charles E. Moore, private, Company K, Twenty-fifth Illinois Volunteers, was enlisted June 1, 1861, and discharged March 31, 1863, for disability. Kind of disability not shown by the record. He does not appear to have drawn any pension. He died February 22, 1873, from inflammatory rheumatism and chronic diarrhea.

Lovina J. Moore, mother of claimant, was legally married to soldier March 2, 1869. The claimant was born January 2, 1873. Lovina J. Moore, the mother, was pensioned under act of June 27, 1890, at \$8 per month from May 15, 1891. She was adjudged insane December 18, 1894, a conservator appointed for her, and she died in insane hospital at Kankakee, Ill., March 1, 1895. Her pension was drawn by conservator to January 4, 1895.

No person whatever is, or has been since widow's death, drawing a pension on account of this soldier.

Jennie E. Moore is the only child by this marriage. She has no means or property or income whatever. By reason of rheumatism, the outgrowth of typhoid fever, she is a helpless invalid, requiring the constant attention of a nurse. Since January, 1887, she has not been able to sit up, even in bed. Spinal disease has resulted, and she has only the use of her arms, hands, and head, and can only be moved upon a sheet. She lives with her grandparents, old people, aged 75 and 73 years, respectively. She has two half brothers by the former marriage of her father. She is now living on charity. Nobody is legally bound to support her, or appears to be able to support her.

In view of these circumstances the committee recommend the passage of this bill with amendments, inserting after the word "orphan," in line 6, the words "permanently helpless," and in line 7, after the word "late," the word "private."

The amendments recommended by the committee were agreed to.

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

LEWIS KEISER.

Mr. SHERMAN. Mr. Chairman, I withdraw the objection which I made a while ago to the request of the gentleman from Nebraska for the consideration of a bill which he desired to call up.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to take up for consideration at this time the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. HICKS. Regular order.

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection. The Clerk will report the next bill.

CATHERINE DILLON.

The next business on the Private Calendar was the bill (S. 148) granting a pension to Catherine Dillon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Dillon, of Logansport, Ind., widow of Patrick Dillon, deceased, late a private of Company E, Ninth Regiment of Illinois Cavalry, and pay her a pension at the rate of \$12 per month.

The report (by Mr. WOOD) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 148) granting a pension to Catherine Dillon, submit the following report:

Patrick Dillon was a private soldier in Company E, Ninth Illinois Cavalry. He served from October 3, 1861, to February 9, 1864, without the loss of a day, so far as the record shows. He is presumed to have been a good soldier. There is nothing on record to the contrary during this time. He died while in the service, March 10, 1864, at regimental hospital, according to the record, from delirium tremens; according to other testimony, of fever brought on by excessive use of whisky.

His widow, the claimant, Catherine Dillon, is 66 years of age; was married to the soldier in 1845; she is without property and needy, and is supported by charity—in fact, is a county charge. She is not entitled to a pension under the general laws on the facts shown. The Commissioner of Pensions holds that death is not equivalent to an honorable discharge under act of June 27, 1890, and has rejected her claim.

The Senate committee are of opinion that soldier's death was "due to his military service." Your committee do not so believe, but do regard his nearly three years' faithful services and death as entitling his widow to a pension the same as if he had been "honorably discharged."

We therefore recommend that the bill do pass.

Mr. TALBERT. Mr. Chairman, I see that the report in this case states that the record shows that this soldier died of delirium tremens, and I want to ask the chairman of the Committee on Invalid Pensions whether it is the opinion of the committee that he contracted that disease in the service. [Laughter.]

Mr. PICKLER. I do not profess to be a doctor. He died in the service, and his widow is now asking for this pension.

Mr. TALBERT. I suppose the gentleman from South Dakota, being a prohibitionist, does not know anything about matters of that kind, but the gentleman from Illinois [Mr. WOOD] is in charge of the bill, and I will ask him the question.

Mr. WOOD. Mr. Chairman, this is a Senate bill, introduced by Senator TURPIE. There is nobody, I believe, on this floor who is specially interested in it. I have examined the evidence, and am prepared to tell this committee, in not more than two minutes, the whole case. The husband of this claimant was an Irishman. He loved his adopted country. For many months he had worn its uniform and followed the fortunes of its flag. He loved liberty, too. He was willing to risk his life that the poor and oppressed of another race might be free. During all the time he was in the service there is no record that he was absent a day from his command or that he missed a battle. He loved to fight, as is shown by the fact that he was always present when fighting was to be done. He had enlisted, and then he reenlisted to serve, not for three months or six months or a year, but during the war—until the last battle should be fought and peace should be restored.

I think it is fairly deducible from the evidence that he loved whisky. [Laughter.] If that be a sin, the Lord have mercy on some other Irishmen, and a good many Americans, and a few officers of high rank to whom previous Congresses have given pensions by special acts. [Laughter.] After serving two years or more, nearly his full time, he reenlisted as a veteran soldier. He served until a few days before his death. There is no reason to doubt that he got on "a bit of a spree" and was taken to the hospital where he died. His widow was married to him away back on the Old Sod in 1845. She was comparatively a young woman when he died, but she has remained true to his name and to his memory through all these long and dreary years. She has never remarried. She is now old and helpless and friendless, a county charge. She applied to the Commissioner of Pensions, but was told that the death of her husband in the Army after almost three years of faithful service was not an honorable discharge.

Mr. Chairman, the Power that planted in the breast of that poor Irishman the love of liberty and of country, and the love of com-

bat as well, and permitted his frailties and imperfections, mustered him out of that service, and it hardly lies in the mouth of a petty officer of the great Government that he served so long and faithfully to pronounce that muster out or that discharge a dishonorable one; and while I do not know, I am just believing that the Great Disposer of all events has been more just and more merciful to poor Pat Dillon than the Commissioner of Pensions has been to his old widow. The facts are all before you, gentlemen. I believe that this House is entitled to all the facts of the case, and I have given them as they appear to me. This man served nearly three years honorably and faithfully, and I believe that his old and helpless widow ought to have this pension. [Loud applause.]

Mr. ERDMAN. Mr. Chairman, of course it was a Republican Administration that refused this pension; for under the present rulings death in the service is held to be an honorable discharge where there has been a previous enlistment of thirty days. But as this Committee of the Whole has just voted to pension a servant girl as a quasi nurse, I do not think we ought to scruple at pensioning this widow, even if her husband did die of delirium tremens. She could not help it, poor woman. But it does grate a little to accept that as a disease of service origin. Still the responsibility, gentlemen, rests with you; and you are equal to it.

The question being taken, the bill was ordered to be laid aside to be reported favorably.

WILLIAM GROSE.

The next business was the bill (H. R. 515) granting a pension to William Grose.

Mr. PICKLER. It has been suggested to me that the gentleman from Indiana [Mr. JOHNSON] called this bill up and had it passed by unanimous consent ten days ago. I ask, therefore, that it be passed over for the present without losing any rights.

The CHAIRMAN. The Chair is informed that the bill has passed the House. Without objection, the request of the gentleman from South Dakota [Mr. PICKLER] will be agreed to.

There was no objection.

LUE R. BROWN.

The next business was the bill (S. 1672) granting a pension to Lue R. Brown.

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 Lue R. Brown, widow of the late William A. Brown, formerly first lieutenant and adjutant of the Sixth Indiana Cavalry, and pay her a pension at the rate of \$25 a month from and after the passage of this act; which pension shall be in lieu of the pension she now receives.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1672) granting a pension to Lue R. Brown, having carefully considered the same, adopt the accompanying Senate report (No. 130) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 130, Fifty-fourth Congress, first session.]

It appears that William A. Brown was enrolled July 24, 1862, at Greencastle, Ind., for three years, and was mustered into service August 18, 1862, to date from July 24, 1862, as a private of Company C, Seventy-first Indiana Infantry, the designation of which regiment was subsequently changed to the Sixth Indiana Cavalry. He was promoted to be sergeant-major August 19, 1862, and to be first lieutenant and adjutant of the regiment to date from December 13, 1862. He was mustered out of service and honorably discharged while holding the grade of first lieutenant and adjutant, to date from July 27, 1865, having been rendered supernumerary by the consolidation of the regiment. He appears to have been present with his command or properly accounted for during the entire period of his service.

It further appears that he was appointed consul to San Juan del Norte, Nicaragua, in December of 1884, where he served until January of 1892. The severity of the climate of Nicaragua entirely destroyed his health, which was much impaired by exposure and a wound he received in the shoulder during the war; and when he returned to his home and family he was a complete physical wreck, requiring constant care and attention until his admission to the Hampton Military Home in the spring of 1892, where he was admitted in a deplorable physical condition, and where his shattered and broken health still further failed him until death relieved him of his sufferings February 18, 1895. Claimant receives a pension of \$8 a month under the widows' pension act of June 27, 1890, but the amount is totally inadequate for the support of herself and her young daughter of 16 years, and her present needs are very pressing. In view of the long and honorable military services of her husband, and the utter destruction of his health and final loss of life in another branch of the Government service, claimant has been deprived of her only protection and support.

The following letter from Hon. D. W. VOORHEES, who personally knew the soldier and has knowledge of the petitioner and the facts in the case, is also submitted:

"JANUARY 24, 1896.

"MY DEAR SENATOR: I introduced a bill a day or two ago granting a pension of \$25 a month to Mrs. Lue R. Brown. I knew the husband of this lady well and intimately; he was mayor of Greencastle, in my own State, at one time, and a man of high standing and character. He was as gallant and true a soldier as ever drew sword in defense of the Union during the late war, and was as modest in the discharge of his duty as he was brave and patriotic, and never sought in the plain discharge of his duty as a soldier any preferment or advancement to which his services did not justly entitle him. He was among the first to respond to the call to arms, having enlisted as a private in the Seventy-first Indiana Volunteers as early as August 28, 1862, and served continuously throughout the entire war, and was finally mustered out as first lieutenant and adjutant July 27, 1865. His rapid promotion from the ranks shortly after his enlistment to the grade of first lieutenant was but a small recognition of his worth and merit. He was subsequently assigned to duty as adjutant of his regiment, the Sixth Indiana Cavalry, which had been

formed from the Seventy-first Regiment of Volunteers. The history of the services performed by that regiment are too familiar for me to undertake to rehearse here.

"I can not speak too strongly of this gentleman, for he was my friend and I knew him intimately. That he was mustered out with no higher grade than that of first lieutenant and adjutant of his regiment should not militate in any way against the claim of his widow for the amount of the pension for which she now applies; for had her husband been advanced in grade commensurate with his bravery, patriotism, and ability, his death would have entitled his widow to a pension of at least \$30 a month. He was never absent from his command during the entire period of the war, as his record will show, and some recognition of such fidelity could well be shown his widow now in her need. Mr. Brown was appointed United States consul to Greytown, in Nicaragua, in December, 1884, and served there until January of 1892. The exposure and hardships of the war, together with a severe wound he received in the shoulder, had greatly impaired his health, and the severity of the climate of Nicaragua completed its wreck. He was in a most deplorable condition when he came back from there, and in the spring of 1892 was admitted to the Hampton Military Home, where he subsequently died, in February, 1895. I can conceive of no more meritorious or deserving case than this; his widow has been left in an absolutely destitute condition, with a daughter 16 years of age and the mere pittance she now receives under the widows' pension act of June 27, 1890, of \$8 per month.

"I feel constrained to add that I have a strong conviction in my own mind, arising from my intimate personal relations with Adjutant Brown, that his breakdown in health and his premature death were due to the injuries and exposures he incurred in the line of duty while in the Army more than to all other causes combined.

"With great respect, I am, very truly, yours,
"D. W. VOORHEES.

"Hon. J. H. GALLINGER."

In view of all the facts in the case your committee recommend the passage of this bill.

The bill was laid aside to be reported favorably.

GREENVILLE PUCKETT.

The next business was the bill (H. R. 5880) granting an increase of pension to Greenville Puckett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Greenville Puckett, late a corporal in Company D, Forty-fifth Regiment Kentucky Mounted Infantry, upon the pension rolls, with an increase of pension to \$72 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5880) granting an increase of pension to Greenville Puckett, having given the matter careful consideration, report:

This soldier served in Company D, Forty-fifth Kentucky Mounted Infantry, from September 7, 1863, to December 24, 1864, when he was honorably discharged. While in the service he contracted chronic diarrhea, for which he has been pensioned as of service origin. He is now pensioned under act of June 27, 1890, for chronic diarrhea and partial paralysis. He filed a claim under the general law for paralysis as a result of chronic diarrhea, but the medical officers of the Pension Office decline to accept it as a pathological result, and therefore the claim was rejected.

Examination by a board of pension surgeons in 1890 showed that soldier was then totally disabled and required constant aid and attendance, entitling him to a first-grade rating of \$72 per month for chronic diarrhea and paralysis. Another examination, made in August, 1891, shows a similar condition arising from the same causes.

The evidence presented to this committee shows that the soldier is now in a state of utter helplessness and in absolute destitution.

In view of this and the fact there appears no other cause for the paralysis than the chronic diarrhea which has been sapping his vitality for over thirty years, in spite of the fact that the medical officers fail to see the pathological connection, this committee recommend the passage of the bill.

The bill was laid aside to be reported favorably.

ELISE BLENKER.

The next business was the bill (H. R. 4410) to increase the pension of Elise Blenker from \$30 to \$50.

The bill was read, as follows:

Be it enacted, etc., That the pension of Elise Blenker, widow of Gen. Louis Blenker, late brigadier-general of the United States, be, and the same is hereby, increased from \$30 per month to \$50 per month, and the Secretary of the Interior be, and he is hereby, authorized and directed to place her name on the pension roll at the rate of \$50 per month, subject to the provisions and limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4410) to increase the pension of Elise Blenker from \$30 to \$50, submit the following report:

This bill gives to Elise Blenker a pension of \$50 per month as the widow of Brig. Gen. Louis Blenker. General Blenker entered the war of the rebellion at the beginning of hostilities and served until the battle of Cross Keys, where he was injured by a fall of his horse. His injury was wholly disabling, rendering him unfit for further military duty, and caused his death in September, 1863.

General Blenker's service at the first battle of Bull Run was conspicuous for gallantry. His regiment, the Eighth New York Volunteers, held one of the important positions in the Union line at Centerburg, and was the last to leave the field.

The evidence seems to show satisfactorily that the General's death was caused by an injury received while in the line of duty.

His widow is now over 70 years old and very poor. She has no means of support save her pension of \$30 per month, and no property.

It seems to the committee that this is a proper case for the intervention of Congress, and that \$50 a month is not more than a reasonable amount for the Government to bestow upon the poor widow of a brave and gallant soldier.

The passage of the bill is therefore recommended.

The bill was laid aside to be reported favorably.

LENA D. SMITH.

The next business was the bill (S. 1342) granting pension to Lena D. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of \$50 per month from and after the date of the passage of this act.

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

The Committee on Invalid Pensions, having carefully considered the bill (S. 1342) to pension Lena D. Smith, report as follows:

Green Clay Smith, the husband of this claimant, was mustered into service June 9, 1846, as second lieutenant Company H, First Kentucky Cavalry Mexican War Volunteers, to serve for twelve months, and was mustered out June 8, 1847. He was mustered in as colonel Fourth Kentucky Cavalry April 4, 1862; was seriously wounded in the leg in action at Lebanon, Tenn., May 5, 1862. He was promoted to the rank of brigadier-general of volunteers June 12, 1862. In September, 1862, he was commanding the Second division United States forces near Covington and Newport, Ky. He continued in active service, commanding a part of the time a brigade and some of the time a division, until December 1, 1863, when his resignation was accepted. He has a record of treatment for chronic diarrhea of two months' standing in 1863. He was brevetted major-general of volunteers to date March 13, 1865, for meritorious services during the war.

As is well known, General Smith died in this city a short time ago, and the evidence presented to this committee shows that he left his widow without means of support.

In view of his well-known services, he having rendered gallant and meritorious services in two wars, and of the need of the widow, your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably.

ROBERT SMALLS.

Mr. RICHARDSON. I should like to inquire of the gentleman from South Dakota [Mr. PICKLER] whether it is not time now for the committee to rise? It is a quarter past 5 o'clock.

Mr. PICKLER. I will make that motion in a moment. As the concluding bill this evening, I desire to ask unanimous consent (which I do by direction of the Invalid Pensions Committee, the only such request they have directed to be made to the House) for the consideration of the bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls. Mr. Smalls, as will be remembered by all gentlemen here, was once a Representative on this floor.

Mr. RICHARDSON. Is this a bill to pension him?

Mr. PICKLER. Yes, sir.

Mr. RICHARDSON. Has it been reported regularly?

Mr. PICKLER. It has.

Mr. RICHARDSON. Has it been reached regularly on the Calendar?

Mr. PICKLER. No, sir. I have been directed by the Committee on Invalid Pensions to ask unanimous consent that it be considered by the Committee of the Whole out of its order.

Mr. ERDMAN. May I inquire when that was done by the Committee on Invalid Pensions?

Mr. PICKLER. About two weeks ago.

The CHAIRMAN. The bill will be read, subject to objection. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension rolls the name of Robert Smalls, late a pilot in the United States Navy, and to pay him a pension at the rate of \$25 per month.

The amendment of the Committee on Invalid Pensions was read, as follows:

In line 6, strike out "twenty-five" and insert "thirty"; so as to make the pension \$30 a month.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. PICKLER. Mr. Chairman, I will read a portion of the report in this case:

Robert Smalls, the beneficiary of this bill, on the night of May 12, 1862, assisted by seven other contrabands, took the Confederate steamboat *Planter* from the wharf at Charleston, S. C., and carried her safely past the forts outside and turned her over to the officers of the blockading squadron. He was then employed as a pilot in the United States Navy, and later as a pilot in the employ of the Quartermaster's Department and as captain of the *Planter* until the end of the war. No record of his having been commissioned as captain can be found, but the records show that he served and was recognized and paid as such. He claimed and was allowed a pension under act of June 27, 1890, but under recent construction of that act, as set forth in the Bennett decision, he was dropped from the rolls on the ground that his was not a pensionable service under said act.

This committee by reporting and the House by passing the bill (H. R. 8271) have declared that such service as his while a pilot is pensionable under the act of June 27, 1890; but your committee are of opinion that such recognition is not adequate for the valuable services rendered by this brave man and gallant officer, but hold that he should be pensioned at total of rank of a captain in the Navy. They therefore recommend that the bill be amended by striking out the word "twenty-five," in line 6, and inserting in lieu thereof the word "thirty," and that as amended the bill do pass.

Mr. Smalls is now nearly blind, or has very deficient vision, is suffering with rheumatism, and is totally incapacitated from any manual labor. He would be entitled, if totally incapacitated for manual labor, even as a private, to this pension. He has been a member of Congress, as most gentlemen here know, and has rendered very distinguished services to the Government, and deserves the thanks of the country. Only two days ago I was reading an oration of Mr. George William Curtis, and intended to bring the book up here with me, but neglected to do so, where he pays a very high tribute to Mr. Smalls.

Mr. LOUD. Let me ask the gentleman if he is cognizant of the fact that this gentleman now has a good big claim and is asserting it anxiously before Congress—a claim for five thousand, ten thousand, fifteen or twenty thousand dollars?

Mr. PICKLER. I do not think he has; but if he has, it ought to be paid.

Mr. LOUD. Does not the gentleman know that he has?

Mr. PICKLER. I have heard so, but I do not know. I ask a vote upon the amendment.

The amendment of the committee was agreed to.

The bill as amended was laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the committee now rise and report the bills for the consideration of the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole, having had under consideration bills on the Private Calendar, under the special order, had directed him to report with amendments bills of the House of the following numbers: 6549, 6046, 6472, 6247, 1874, 3480, 4193, 6166, 6468, 6546, 2042, 2941, 2985, 717, 6607, 6556, 4548, 5792, 5393, 6608, 5407, 1508, 4405, 3380, and 5938; and Senate bills of the following numbers: 804, 125, 819, and 1699, with the recommendation that the amendments be concurred in and the bills as amended passed.

Also, that he had been directed to report back, without amendment, and with favorable recommendation, House bills of the following numbers: 6590, 6552, 5852, 4410, 3389, 3395, 7212, 6826, 7127, 4268, 948, 1175, 4872, 5279, 3333, 2328, 3565, 3514, 3755, and 5880; and Senate bills of the following numbers: 807, 724, 148, 1672, 144, and 1342.

Also, that he had been directed to report back the bill H. R. 2755, with the recommendation that it lie on the table.

QUESTION OF ORDER—RIVER AND HARBOR BILL.

Mr. HEPBURN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Two hours ago, while in Committee of the Whole, the committee informally rose, as I am informed, for the purpose of receiving a message from the Senate, and at the same time took some action upon the river and harbor bill, or the Senate amendments thereto, disposing of them in some manner. I submit, Mr. Speaker, that there is no authority on the part of the committee to do that; and that it was not a proper disposition of that bill.

I want to call the attention of the Speaker for a moment to Rule XXIII, which provides:

1. In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.

Mr. LOUD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. LOUD. I make the point of order that the gentleman from Iowa is not in order. He has presented no point of order; and if he should, the time has passed for it to be done.

Mr. DOCKERY. But the gentleman is only stating now his point.

Mr. HEPBURN. I am presenting the question now. Possibly if the gentleman from California can contain his soul in patience a while he may change his views.

Mr. LOUD. Oh, I can do it. I have had to do it lots of times. [Laughter.]

Mr. HEPBURN. I take the position that after the committee has been formed, after the Speaker has left the chair, that it is not competent for the Speaker again to resume the chair until, through the action of the committee, it is determined that the committee shall rise, at which time it becomes competent for him to assume control of the body, which is then the House.

I know that for certain purposes, such, for instance, as receiving a message from the Senate, it has been the custom of the committee to informally rise; and I am not quarreling with that mode of procedure. But I am trying to complain against the action of the committee which was indulged in on the occasion to which I now refer. It had been my purpose, if I had been in the House at that time, to raise the point of order on the Senate amendments making additional appropriations; that they must, under the rule, be considered in a Committee of the Whole House on the state of the Union. But I expected nothing of the kind to be done, of course, while we were in committee under a special rule. I was in the lobby when the procedure was had, and I think it competent for the Chair now to consider, and so hold, that that message from the Senate is on the Speaker's table undisposed of.

Mr. HERMANN. Mr. Speaker, I desire to make the additional point of order that there is nothing before the House to which the gentleman's point refers; that the conferees have been appointed, the amendments of the Senate have been nonconcurrent in, the

message has been transmitted from this House to the Senate, and the bill has now gone to the printer. Consequently there is nothing before the House to which the gentleman's point relates.

Mr. PAYNE. Mr. Speaker, the usual announcement was made by the chairman of the Committee of the Whole—the Secretary of the Senate appearing—that the committee would rise informally and receive a message from the Senate, and thereupon the committee did rise, and one of the members of the House took the chair, and the Secretary of the Senate made his report. While in the House, the river and harbor bill having come in with amendments, a member of the House rose in his place and asked the Chair for the unanimous consent of the House to consider the Senate amendments as disagreed to and to concur in the Senate's request for a committee of conference. The question was then put, and there was no objection, and the committee resumed its session. I state this to give the entire history of the transaction, because I was present and witnessed it.

Mr. HEPBURN. That is as I understood it, Mr. Speaker, but I insist that the committee had informally risen for the purpose of receiving that message, and it can not be considered that the House was then in session for the transaction of business. By a formal vote of the House it had resolved itself into a Committee of the Whole House and was in that condition; but by consent, following a precedent, it rose for a specific purpose. In the contemplation of our rules, in my judgment, the House was not a House of Representatives for any other purpose than to receive that message, not to act upon it. The injustice of that action is apparent when the suggestion is made that there were Senate amendments upon that bill that were subject to the point of order. Now, by this action—snap judgment, if you choose to call it—they have passed that stage, and it seems to me that a wrong has been done to the House, and one that the Speaker can right by declaring the nullity of the procedure.

The SPEAKER. The Chair will examine into the matter and announce to the House his opinion about it to-morrow. The transaction, however, as the Chair recollects, is not an unusual one.

Mr. RICHARDSON. I only want to say, Mr. Speaker, while I sympathize with the gentleman from Iowa [Mr. HEPBURN] on the merits of the proposition, that it occurs to me that his point of order now comes too late. I agree with him that when the Committee of the Whole rose, and the Speaker took the chair, as he says, informally, that it would not have been in order for the House then to have gone on with legislative business, provided the point of order was then made; but a quorum being present, the House duly organized; the Speaker in the chair; no one objecting, unanimous consent being given, I think it was in order for the House to do what was done, and that it comes too late for the gentleman to raise the point of order at this stage, at this hour. I think it was waived. I think that whenever the House is organized, that is, when the Speaker is in the chair and a quorum is present, by unanimous consent the action could be taken that was taken. That is my idea of the matter.

The SPEAKER. The Chair is of the opinion that there are numerous precedents on the subject; but he wishes to give it due consideration.

Mr. HEPBURN. Mr. Speaker, in view of that fact, will the Chair permit me now to enter a motion to reconsider the vote by which that reference was made, subject to his decision upon the case? I do not want to lose my right to do that.

The SPEAKER. The Chair will not undertake to entertain the motion, but will regard it as notice of a motion to enter a reconsideration; because the matter has gone to the Senate.

Mr. McRAE. Mr. Speaker, I understand the procedure upon the river and harbor bill was taken by unanimous consent, and I think it can only be changed in the same way. I do not consent to anything that will waive any right as to the status of that bill. I insist that the House was in session for the purpose of considering that bill, or any other appropriation bill that was presented for consideration, and I do not agree to the proposition stated by the gentleman from Tennessee that it was only by unanimous consent that it could be done. If it was proper to receive it, then it was in order to consider it, by motion or by consent. The order was made in the usual way.

Mr. CANNON. If the Chair will indulge me for just a minute, I am not vain enough to think that I can throw any light upon this situation, but it seems to me that upon the merits the river and harbor bill has quite sufficient legs to proceed regularly. Now, I think generally members supposed under the order, and had a right to suppose, under the special order to-day, that when the House went into Committee of the Whole the only business transacted would be in the Committee of the Whole.

Of course it is competent in the committee to informally rise, by universal precedent, to receive a message from the Senate; and I suppose it was quite competent for a motion to rise, and for the House to have taken up other business. While I apprehend that from time to time orders of this kind have been made under precisely similar circumstances without any challenge, it

seems to me that, without imputing blame to anybody, it has the appearance of a suspicion of sharp practice that on the bare suggestion no friend of the bill ought to hesitate to have corrected; and while I am not clear about the point as to whether the Speaker, under the circumstances, would have the right to annul the order that was taken, yet, as a friend of the court, so to speak, I am glad that it has been brought to the attention of the House; and as the Speaker has indicated that to-morrow he might make a decision in the matter, I would be glad that it go over.

Mr. DOCKERY. Let me suggest to the gentleman that it would be competent to reconsider the action of the House and request a return of the bill from the Senate.

Mr. CANNON. Oh, yes. That, however, would depend upon a majority vote; and while the majority has the right to take any step it may choose, yet it ought to be taken rightly, openly, and fairly.

Mr. HERMANN. Mr. Speaker, I desire to say this: That it comes with rather poor grace from the gentleman from Illinois to make the insinuation that the motion which was made this morning for the consideration of that bill, that is to say, so far as non-concurrence in the Senate amendments was concerned, was made in bad faith.

Mr. CANNON. The gentleman certainly does not apply that interpretation to my remarks; and if he will get a copy of them as taken down he will find that he has made haste to misinterpret them.

Mr. HERMANN. The intimation was broad enough to include just exactly what I have said.

Mr. CANNON. With the statement—

Mr. HERMANN. I wish to say this further—

Mr. CANNON. With the statement that the gentleman misinterprets my remarks, I taking especial pains to hedge so that it could not be done, if the gentleman proceeds upon that line, I can not help it.

Mr. HERMANN. The gentleman is very well aware of the fact, as everyone else who is acquainted with the business of this House is, that the public business is being transacted in such a manner as to tend to an early adjournment. He is well aware of that; and as one of the leaders of the House he has been advising toward that end. It is, therefore, natural that those interested in the waterway improvements of this country should desire to have an early consideration of this bill. It may require three, four, or five days to consider the bill in committee of conference. Then it will have to be reported to the Senate and to the House; and that may be the last time it will come before the House before it may come back with a Presidential veto. Therefore it is the duty of every member of this House to do all he possibly can to expedite the consideration of the bill and bring it to its final conclusion. When I looked around the House and saw a quorum was present and the Speaker in his proper place, I concluded that I had the right, as I have observed other members doing under the same circumstances, to call up a measure of this character and ask action upon it. And when gentlemen rise in their places and solemnly make the point of order upon this question, I say that it is not the first instance in which it has been done. There are many precedents for this action, which I have known not only in this Congress, but in previous Congresses under similar rules. The measure is right in the line of the demands of the country.

Inasmuch as nothing further can be done until the conference report is submitted to the House by the managers, gentlemen will have ample opportunity to examine as to the propriety of the Senate amendments. The House will then have an opportunity again, for the last time, to consider the bill; so that if a gentleman has any objection to any portion of the bill, and deems it necessary in the performance of his duties faithfully to call attention to it, he will have an opportunity to rise in his place and make such objection as the occasion may call for.

I will state further to the gentleman from Illinois that the motion which has been made was made in the very best faith, and made in the interest of what I believe to be the public business of this Congress, and in the interest of the country; and I say to him, with reference to this very bill, he is mistaken in the conclusions that he has come to.

Mr. DINGLEY. Mr. Speaker, I desire simply to call attention to one important fact bearing upon this question of order. That is, that the resolution adopted by the House, on the report of the Committee on Rules, setting apart this day for the consideration of pension business, contained an express reservation that general appropriation bills, of which the river and harbor bill is one, might be considered.

Mr. HEPBURN. Undoubtedly; but—

The SPEAKER. The Chair has his impression about this matter, but it being near the moment of adjournment, he thought it might be as well to be certain about it, and therefore made the suggestion with regard to to-morrow, as no change would take place in the rights of anybody, the message having been transmitted to the Senate.

Mr. HERMANN. Mr. Speaker, if it is understood that the motion of the gentleman from Iowa [Mr. HEPBURN] to reconsider is now pending, I desire to make a point of order against it.

The SPEAKER. That is understood. All rights are reserved.

GEN. JOSEPH R. WEST.

Mr. PICKLER. Mr. Speaker, I am directed by the Committee on Invalid Pensions to report back the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Volunteers, with the recommendation that the House insist upon its amendment to the Senate bill and agree to a conference.

The SPEAKER. The Clerk will read the bill.

The bill was read in full.

The House insisted on its amendment and agreed to a conference; and the Speaker appointed as conferees on the part of the House Mr. PICKLER, Mr. THOMAS, and Mr. ERDMAN.

SENATE BILLS REFERRED.

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

A bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg—to the Committee on Claims.

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.—to the Committee on the District of Columbia.

A bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased—to the Committee on Claims.

A bill (S. 2978) to provide an American register for the steamer *Menemsha*—to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

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

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll;

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.; and

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Idaho, for one week, on account of important business.

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

To Mr. COOPER of Texas, indefinitely, on account of important business.

To Mr. DINSMORE, indefinitely, on account of illness.

To Mr. HULL, indefinitely, on account of important business.

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

To Mr. THORP, for ten days, on account of important business.

REPRINT OF A BILL.

Mr. PICKLER, by unanimous consent, obtained an order for a reprint of the bill H. R. 8271.

The House then, on motion of Mr. PICKLER (at 5 o'clock and 46 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, 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 Lucius Hough against The United States was taken from the Speaker's table and referred to the Committee on War Claims, 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:

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1741) entitled "An act to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 1811); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8894) granting to Lafayette Post, No. 217, Department of Pennsylvania, Grand Army of the Republic, of Easton, Pa., 2 condemned cannon and 35 cannon balls, reported the same without amendment, accompanied

by a report (No. 1812); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORSE, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, reported the same with amendment, accompanied by a report (No. 1813); which said bill and report were referred to the House Calendar.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7256) for the relief of owners and claimants to lands within the national parks and forest reservations in the State of California, reported the same with amendment, accompanied by a report (No. 1814); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LINTON, from the Committee on Ventilation and Acoustics, to which was referred the House resolution No. 186, reported in lieu thereof a bill (H. R. 8967) to provide for an improved system of heating and ventilation of the House (south) wing of the Capitol, accompanied by a report (No. 1825); 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. PUGH, from the Committee on War Claims: A resolution (House Res. No. 331) to refer the bill (H. R. 5900) for the relief of the administrator of the estate of Thomas K. Ball, deceased, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5900. (Report No. 1806.)

A resolution (House Res. No. 333) to refer the bill (H. R. 3788) for the relief of Mrs. E. Taylor, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3788. (Report No. 1807.)

By Mr. CURTIS, from the Committee on Indian Affairs: The bill (S. 229) entitled "An act for the relief of Robert McGee." (Report No. 1810.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 5539) for the relief of John W. Arnold. (Report No. 1822.)

The bill (H. R. 5062) to reimburse D. D. Brennan for expense incurred in travel from Yokohama, Japan, to Haverstraw, N. Y., after his summary discharge as paymaster's clerk in the United States Navy. (Report No. 1815.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 2415) entitled "An act for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased." (Report No. 1816.)

The bill (H. R. 5204) for the relief of Capt. George W. Goethals. (Report No. 1824.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 7109) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I. (Report No. 1819.)

The bill (S. 488) entitled "An act for the relief of the legal representatives and devisees of James W. Schaumburg." (Report No. 1820.)

By Mr. COX, from the Committee on Claims: The bill (S. 768) entitled "An act for the relief of James A. Moore." (Report No. 1821.)

By Mr. HYDE, from the Committee on Indian Affairs: The bill (S. 1828) entitled "An act to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian Agent at the Tulalip Agency, Wash." (Report No. 1823.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MINOR of Wisconsin, from the Committee on Claims, reported adversely bills of the following titles; and they were thereupon laid on the table:

The bill (H. R. 376) for the relief of John Scott. (Report No. 1817.)

The bill (H. R. 5195) for the relief of Charles T. Brant. (Report No. 1818.)

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. MONDELL: A bill (H. R. 8960) donating condemned

cannon and condemned cannon balls to Custer Post, No. 1, Department of Colorado and Wyoming, Grand Army of the Republic, at Laramie, Wyo.—to the Committee on Naval Affairs.

By Mr. HARRISON: A bill (H. R. 8961) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8962) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8963) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE (by request): A bill (H. R. 8964) to authorize experimental coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. BERRY: A bill (H. R. 8965) to provide for mounting cannon at Fort Thomas, Ky.—to the Committee on Military Affairs.

By Mr. REYBURN: A bill (H. R. 8966) to authorize Commander E. S. Houston, United States Navy, to accept a portrait from His Majesty the Emperor of Germany—to the Committee on Foreign Affairs.

By Mr. LINTON: A bill (H. R. 8967) to provide for an improved system of heating and ventilating the House (south) wing of the Capitol—to the Committee on Ventilation and Acoustics.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 333) to compensate Robert A. Stickney for services performed as a clerk in the Clerk's office—to the Committee on Accounts.

By Mr. LESTER: A resolution (House Res. No. 334) to refer certain bills to the Court of Claims for a finding of facts under the act of March 3, 1887, and generally known as Tucker Act—to the Committee on War Claims.

By Mr. PERKINS: A resolution (House Res. No. 335) for a special order to the Committee on the Territories for the consideration of certain measures—to the Committee on Rules.

By Mr. MILLIKEN (by request): A resolution (House Res. No. 336) to pay James Hall for extra services performed in the Door-keeper's department—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Merchant Marine and Fisheries was discharged from the consideration of the bill (H. R. 1272) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey and to make compensation therefor; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

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

By Mr. BROMWELL: A bill (H. R. 8968) for the relief of the widow of Adolph Rauch—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8969) for the relief of Leroy Q. Webber—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 8970) pensioning Mrs. Kate Crawford—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 8971) for the relief of M. A. Shelton, of Bates County, Mo.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 8972) to pension William H. Ar-buckle—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8973) to remove the charge of desertion from the military record of N. B. Wesner, of Parkers Landing, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 8974) for the relief of the widow and heirs of Thomas H. Reynolds, deceased—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 8975) for the relief of Capt. McCurdy Tate, late captain Company H, Fifty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 8976) for the relief of Francis Knapp, late a corporal in Company B, Tenth Kansas Veteran Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8977) for the relief of Harriett Camp, of Kansas City, Wyandotte County, Kans.—to the Committee on War Claims.

Also, a bill (H. R. 8978) granting a pension to Nancy Mefford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) for the relief of Allison J. Pliley, late a scout in the Eighteenth Kansas Cavalry Volunteers—to the Committee on War Claims.

Also, a bill (H. R. 8980) to increase the pension of William H. Banguess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8981) granting a pension to Sophisa Buford, of Garnett, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8982) to increase the pension of Ethan A. Drake, Company G, Forty-seventh Illinois Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8983) to increase the pension of Stephen H. Parish, late of Company E, First Ohio Battery, Light Artillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8984) granting a pension to Ann M. Relgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8985) to increase the pension of William Baber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8986) granting a pension to Cyrus E. Pruitt, late of Company G, One hundred and thirty-third Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 8987) granting a pension to Philip Barnhart—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8988) for relief of S. R. Fowle & Son, Washington, N. C., importers of molasses and salt, to reimburse them for import duties wrongfully collected—to the Committee on Claims.

By Mr. SPERRY: A bill (H. R. 8989) granting a pension to Honora Redmond—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 8990) increasing pension of William H. Nevitt from \$12 to \$30 per month—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8991) for the relief of John W. Beatty, late of Company C, Seventh Tennessee Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 8992) removing the charge of desertion from the military record of Ashley C. Cameron—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 8993) for the relief of the heirs at law of the late Duncan H. Campbell—to the Committee on Patents.

By Mr. CHICKERING: A bill (H. R. 8994) for the relief of Mary Walker, M. D.—to the Committee on War Claims.

By Mr. SPENCER: A bill (H. R. 8995) for the relief of the estate of James S. Winters, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 8996) for the relief of Benjamin Richardson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8997) for the relief of William Cunningham, of Courtland, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the citizens of Revere, Mass., remonstrating against the passage of the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Two petitions of citizens of the State of Colorado, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, remonstrances of citizens of the State of Colorado; also of Council No. 74, American Protective Association, of Hotchkiss, Colo., against the acceptance of the Marquette statue—to the Committee on the Library.

Also, petition of citizens of the State of Colorado, in favor of the passage of a service-pension act—to the Committee on Invalid Pensions.

Also, petition of the Denver Board of Trade, favoring the passage of House bill No. 1, relating to the classification and salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Petition of the United States Maimed Soldiers' League of Philadelphia, for increase of pensions of maimed veterans—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of M. W. Thompson and 38 others, citizens of Danville, Ill., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. CLARK of Missouri: Petition of Lewis County (Mo.) Grand Army Post, No. 412, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Petition of George E. Mann and others, of Buffalo, N. Y., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FITZGERALD: Resolution of the Boston Chamber of Commerce, in favor of the passage of the bill to remove discriminations against American vessels in coastwise trade—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

By Mr. FOSS: Petitions of Burke & Storms, of Antioch, Ill., People's Health Journal Company, of Chicago, Ill., and of the North American Practitioner of Chicago, Ill., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. M. Henderson & Co. and others, in favor of the passage of House bills Nos. 838, 4566, and 5560, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the Paint and Oil Club of New England, in favor of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on Manufactures.

Also, petition of S. J. Somerville and 51 others, of St. Johnsbury, Vt., favoring the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. HEMENWAY: Petition of William M. Collins and others, of the State of Indiana, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on War Claims.

By Mr. HITT: Memorial and petition of the Manufacturers and Producers' Association of California, in favor of the passage of House bill No. 6116, to protect free labor from competition with convict labor, and restraining the sale of convict-made goods to the State in which they are produced—to the Committee on Labor.

By Mr. JOHNSON of California: Petition of citizens of Clarks-ville, El Dorado County, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. LINTON: Petition of citizens of Wilkes County, N. C., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

Also, remonstrances and petitions of citizens of Philadelphia, Pa.; also of citizens of Buena Vista, Pa., regarding the Marquette statue—to the Committee on the Library.

Also, a paper to accompany House bill to increase the pension of Frank A. Rockwith—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of Irish societies and citizens of Hudson County, N. J., asking Congressional action in urging the liberation of Irish prisoners in England—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Papers relating to the claim of Richard Pinn, next friend of Sallie Pinn, of Fauquier County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of Charles R. Carder, of Rap-pahannock County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of Lucy Kate Petty and Mollie B. Petty, of Culpeper County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of James S. Dean, of Fauquier County, Va.—to the Committee on War Claims.

Also, petition of Margaret A. Proctor (now Tapscott) for herself and minor children of her late husband, Samuel K. Proctor, deceased—to the Committee on War Claims.

By Mr. TAWNEY: Papers to accompany House bill removing the charge of desertion from the military record of Ashley C. Cameron—to the Committee on Military Affairs.

By Mr. TERRY: Petition of W. C. Hull and 34 other citizens of Johnson County, Ark., protesting against the passage of bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Keasby & Mattison Company, F. A. Comly, John J. Houghton, and 33 other citizens of Montgomery County, Pa., for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy, etc.—to the Committee on Naval Affairs.

Also, petition of W. E. Megargee, Henry F. Stem, and other citizens of Wyndmoor, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WHEELER: Papers relating to the claim of James C. Newman, executor of Alexander F. Newman, deceased, of Warren County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of John A. Ducournan, of Natchitoches, La.—to the Committee on War Claims.

Also, papers relating to the claim of Martha C. Brooks, executrix of Aaron T. Brooks, deceased, of Marshall County, Miss.—to the Committee on War Claims.