

By Mr. LORIMER: Paper to accompany bill for relief of William Sooy Smith—to the Committee on Military Affairs.

By Mr. MCKINNEY: Petition of the Daily Mail, Moline, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the town board of Ursa, Ill., for an appropriation to improve the banks of the Mississippi River between Quincy and Warsaw, Ill.—to the Committee on Rivers and Harbors.

By Mr. McMORRAN: Paper to accompany bill for relief of Jemina Grigg (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Silver Crescent Council, No. 3, Daughters of Liberty, of Philadelphia, Pa.; Spring Garden Council, No. 18, Junior Order United American Mechanics; Egyptian Council, No. 144, Daughters of Liberty; Liberty Bell Council, No. 76, Daughters of Liberty, of Philadelphia, Pa., and Samuel H. Ashbridge Council, No. 1026, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Franklin Printing Company, of Philadelphia, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NORRIS: Petitions of the Reformed Presbyterian Church, the First Presbyterian Church, and the Methodist Episcopal Church, all of Superior, Nebr., for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. OVERSTREET: Paper to accompany bill for relief of Emily Weiland, widow and heir of Carl Weiland—to the Committee on War Claims.

By Mr. OLCOTT: Paper to accompany bill for relief of Henry A. Fuller—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of George S. Clark—to the Committee on Invalid Pensions.

Also, petition of the Yates County Chronicle, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the harbormaster of Philadelphia, Pa., for an appropriation to deepen the channel of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. RIXEY: Paper to accompany bill for relief of the trustees of the Methodist Episcopal Church of Rectortown, Va.—to the Committee on War Claims.

Also, petitions of Dumfries Council, No. 137; Bull Run Council, No. 104; Bell Haven Council, No. 132, and Bell Haven Council, No. 61, of Alexandria, Va., Junior Order United American Mechanics, and Martha Washington Council, No. 4, of Alexandria, Va., Daughters of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of the Easton Argus, Easton, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Paper to accompany bill for relief of O. C. Ruringer—to the Committee on Pensions.

By Mr. SULZER: Paper to accompany bill for relief of Aurora G. Ellis—to the Committee on Invalid Pensions.

By Mr. WEBBER: Paper to accompany bill for relief of Asa F. Gardner—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Hudson B. Shotwell—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of the governors of the New England States and manufactures in said States, for two forest reserves in the East, to be known as the Appalachian and White Mountain Forest reserves—to the Committee on Agriculture.

SENATE.

THURSDAY, January 3, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday, December 20, 1906, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of June 29, 1906, a statement relative to the quantities and character of coal purchased during the last fiscal year for the use of the Agricultural Department, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 29, 1906, reports from the Quartermaster-General, the Chief of Engineers, and the Chief of Ordnance, United States Army, and the Chief of the Supply Division, War Department, together with accompanying statements, relative to the quantities and character of coal purchased during the last fiscal year for the use of the War Department, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of June 29, 1906, a statement showing the quantities and character of coal purchased by the Treasury Department for the several United States buildings under its control, throughout the country, and its bureaus and branches, during the last fiscal year, and also the quantities contracted for during the current fiscal year, etc.; which, with the accompanying paper, was ordered to lie on the table, and be printed.

FREEDMAN'S HOSPITAL BUILDING.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, recommending an increase in the limit of cost of the new Freedman's Hospital building, and also that an additional appropriation be made for the installation of a system of heating and ventilating; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

THE PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a petition of the Agricultural Association of Panay and Negros with reference to the passage of a tariff bill in the interest of the Philippines; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

PAY OF ORDNANCE OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance recommending that section 1663 of the Revised Statutes be amended so that the ordnance officer in charge of any national armory shall receive no compensation other than his regular pay and allowances as an officer of the corps; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM G. LABADIE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to William G. Labadie, Peoria allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting an item to correct a discrimination in the act of June 5, 1906, relative to the allotment of lands to children of Indian parentage born since June 6, 1900, whose father or mother was a duly enrolled member of either of the Kiowa, Comanche, or Apache Indians, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN W. EARLY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to John W. Early, Ottawa allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

LOSS OF LIGHTER MARIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 17, 1906, certain information relative to the allowance made by the Quartermaster-General's Department on the claim of Brooks & Co., of Santiago, for the loss of the lighter *Maria* while in the service of the Government of the United States during its military occupation of Cuba; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Engineer Commissioner of the District of Columbia, transmitting certain information relative to the report authorized by Congress on a general plan for the consolidation of the public schools in the District of Columbia, etc.; which was referred to the Committee on the District of Columbia, and ordered to be printed.

D. M. CARMAN, MANILA, P. I.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 17, 1906, a report of the Quartermaster-General of the Army relative to allowances made by the Quartermaster-General's Department upon the claims of D. M. Carman, of Manila, P. I., arising out of his contracts with the Quartermaster-General's Department for lighters, cascos, and other means of transportation in the Philippines; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court, relating to the vessel brig *Bachelors*, David Churchill, master; relating to the vessel schooner *Eagle*, Jeremiah Goodhue, master; relating to the vessel schooner *Catherine*, James Cocks, master; relating to the vessel brig *Lydia*, Thomas McCray, master; relating to the vessel ship *Hiram*, Samuel A. Whitney, master; and relating to the vessel schooner *Molly*, John Alden, master.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the order of the court dismissing the case for want of jurisdiction, filed under the act of January 20, 1885, in the French spoliation claims set out by the findings of the court relating to the vessel brig *Hope*, John Prince, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law and opinion filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel schooner *Maria*, William Cole, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the vessel brig *Juno*, Henry Atkins, jr., master, and also of the opinion of the court overruling motion for new trial; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of W. K. Spiller, administrator of C. C. Spiller, deceased, *v.* The United States;

In the cause of Richard Emmons and twenty-nine other claimants *v.* The United States;

In the cause of the trustees of the Presbyterian Church of McDowell, Highland County, Va., *v.* The United States;

In the cause of E. C. McNeil, administrator of Paul McNeil, deceased, *v.* The United States;

In the cause of Sarah C. Harsh *v.* The United States;

In the cause of Eugene Barrow, administrator of Mary J. Barrow, deceased, *v.* The United States;

In the cause of the trustees of the Methodist Episcopal Church South, of Charleston, W. Va., *v.* The United States;

In the cause of Mary Lee Dennis, executrix of Levi T. Oglesby, deceased, *v.* The United States;

In the cause of W. T. Smith, administrator of the estate of Maria A. Reinhardt, deceased, *v.* The United States;

In the cause of Lucy C. Lee, administratrix of Jane T. Lee, deceased, *v.* The United States;

In the cause of James M. Flint *v.* The United States;

In the cause of Nicholas Pratt *v.* The United States;

In the cause of Helen Bryant, granddaughter of William Black, deceased *v.* The United States;

In the cause of William L. Degn, Annette N. Degn McCoy, Minnie H. Degn Wilson, and Albert L. Degn, heirs of Laust E. Degn, deceased, *v.* The United States;

In the cause of Patrick G. Meath *v.* The United States; and

In the cause of Mrs. Mary K. Henry, Mrs. Alice A. Pope, Mrs. Jennie Alexander, and Nannie Newby, heirs of Oswell P. Newby, deceased, *v.* The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed (H. R. 21202) an act fixing time for homestead entries on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the State Camp of New York, Patriotic Order Sons of America, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented resolutions adopted by the Carriage Builders' National Association, praying for the adoption of certain changes in the existing tariff law; which were referred to the Committee on Finance.

He also presented a petition of the General Assembly of the Presbyterian Church, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the General Assembly of the Presbyterian Church, remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Board of Trade of Washington, D. C., remonstrating against the enactment of legislation authorizing the changing of the names of avenues in that city named in honor of the thirteen original States of the Union; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the St. Louis Immigration Protective Tariff League, of Missouri, remonstrating against the passage of the so-called Dillingham bill providing an educational test for immigrants; which was referred to the Committee on Immigration.

He also presented the petition of James B. Greer and sundry other citizens of Humphrey, Ark., praying for the enactment of legislation to provide a home in Africa for ex-slaves and their offspring; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for the enactment of legislation providing for carrying free of postage in the mails reading matter for the use of the blind; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of National Camp, Patriotic Order of Americans, of Phillipsburg, N. J., and a petition of Pennsylvania State Camp, Patriotic Order of Sons of America, of Philadelphia, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BERRY presented a petition of the Board of Trade of Newport, Ark., praying that an appropriation be made for the improvement of White River in that State; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Clarksville, Argenta, Waldron, Mena, Booneville, and Conway, all in the State of Arkansas, praying that an appropriation be made for the extermination of the cotton-boll weevil; which were referred to the Committee on Agriculture and Forestry.

Mr. MALLORY presented a memorial of sundry property owners and residents on New Jersey avenue from Massachusetts avenue to Florida avenue in Washington, D. C., remonstrating against the enactment of legislation providing for the construction of a double-track street car line on that avenue; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented resolutions adopted at a mass meeting of colored citizens of Trenton, N. J., relative to the discharge of a battalion of the Twenty-fifth United States Infantry; which were referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Elizabeth, N. J., praying for the enactment of legislation providing

for the readjustment of the salaries and the system of promotion of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry citizens of Rochester, N. Y., praying that the Senate Committee on Foreign Relations refrain from any act to interfere in Kongo affairs; which was referred to the Committee on Foreign Relations.

Mr. DEPEW presented a petition of Pomona Grange, No. 33, Patrons of Husbandry, of Akron, N. Y., praying for the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the New York City Indian Association, the German Baptist Ministers' Conference of New York, and of the Men's Association of the Presbyterian Church of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. SCOTT presented the petition of Charles T. Beale of West Virginia, and the petition of Harvey J. Simmons, of West Virginia, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. NELSON presented a petition of the Public Affairs Committee of Duluth, Minn., praying that an appropriation be made for the improvement of the Mississippi River near Aitkin, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Lake City, Minn., praying that an appropriation be made for the improvement of the Upper Mississippi River in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Minnesota Federation of Women's Clubs, of Duluth, Minn., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Rhode Island State Horticultural Society remonstrating against further appropriation for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented memorials of sundry citizens of Catlin, Ferndale, and Whitman County, all in the State of Washington, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. PILES presented a petition of H. R. Loomis Post No. 80, Department of Washington, Grand Army of the Republic, of the State of Washington, praying for the passage of the so-called "service pension bill," which was ordered to lie on the table.

He also presented memorials of sundry citizens of Seattle, Stanwood, Cedarhome, Kent, Bellevue, Woodland, Chinook, and Clark County, all in the State of Washington, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. LONG presented a petition of Coopers' International Union, American Federation of Labor, of Kansas City, Kans., praying that an appropriation be made for an investigation into the industrial and social conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Colony, Independence, Ottawa, and Montgomery counties, all in the State of Kansas, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Commercial Club of Salina, Kans., remonstrating against the passage of the so-called "parcels-post bill," and praying for a reclassification of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William A. Greene, of the State of Kansas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 6875) granting an increase of pension to Lemuel T. Williams; which were referred to the Committee on Pensions.

Mr. CLAPP (for Mr. GAMBLE) presented memorials of sundry citizens of Custer, Clark County, and Lyman County, all in the State of South Dakota, remonstrating against the enactment of legislation requiring certain places of business to be

closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WARREN presented petitions of the State Camps, Patriotic Sons of America, of New York, New Jersey, and Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURKETT presented resolutions adopted by the Labor Council of San Francisco, Cal., relative to the recommendations of the President concerning the Japanese situation in that city; which were referred to the Committee on Foreign Relations.

He also presented the petition of R. C. Hazlett, of Lincoln, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the South Omaha Live Stock Exchange, of South Omaha, Nebr., praying for the enactment of legislation granting authority to the Interstate Commerce Commission to regulate and enforce laws to correct the abuses known as "car shortages;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Division No. 227, Order of Railway Conductors, of Lincoln, Nebr., and a memorial of Local Division No. 35, Order of Railway Conductors, of North Platte, Nebr., remonstrating against the passage of the so-called "La Follette bill," to limit the hours of continuous service of railway employees; which were referred to the Committee on Interstate Commerce.

He also presented sundry affidavits to accompany the bill (S. 5601) granting an increase of pension to Mathew B. Reid; which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 3563) granting an increase of pension to Orin D. Sisco; which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 7293) granting an increase of pension to John White; which were referred to the Committee on Pensions.

He also presented the petition of John P. Grinstead, of Salem, Nebr., praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. ELKINS presented memorials of sundry citizens of Berea, Parkersburg, Morgantown, Spencer, Clarksburg, and Walker, all in the State of West Virginia, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented a memorial of sundry citizens of Williams County, N. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. SPOONER presented a memorial of sundry citizens of Bethel, Wis., remonstrating against the enactment of legislation requiring certain places in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

THE HERDIC COMPANY.

Mr. CARTER. I present a paper by Margaret Sullivan Burke, of Washington, D. C., relative to the Metropolitan Coach Company in the District of Columbia, commonly known as the "Herdic Company." I move that it be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

LARVAN GORDON.

Mr. BERRY. I report back favorably from the Committee on Public Lands, with an amendment in the nature of a substitute, the bill (S. 5869) for the relief of Larvan Gordon, and I submit a report thereon. There are only a few lines of the bill, which is for the relief of a party who is very worthy, and it is especially important that it should be passed. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the amendment, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to confirm homestead entry No. 24813, made at the Camden, Ark., land office, by Larvan Gordon, of Dial, Howard County, Ark., and cause a patent to the land embraced within said entry to be issued to said Larvan Gordon, provided there is no valid adverse claim for such land.

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

There being no objection, the bill was considered as in Committee of the Whole.

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.

Mr. BERRY. The committee also reports to strike out the preamble.

The VICE-PRESIDENT. The preamble will be stricken out, in the absence of objection.

ENTRIES ON CROW INDIAN RESERVATION LANDS.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 21678) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, in Committee of the Whole, proceeded to its consideration.

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

BILLS INTRODUCED.

Mr. WHYTE introduced a bill (S. 7417) for the relief of Mary A. Schufeldt; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 7418) to improve the consular service; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CULLOM introduced a bill (S. 7419) to remove the charge of desertion from the military record of Hiram Henderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7420) granting a pension to Eleanor N. Sherman; and

A bill (S. 7421) granting an increase of pension to Joseph Klein.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7422) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901" (with an accompanying paper);

A bill (S. 7423) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons (with accompanying papers);

A bill (S. 7424) to extend Fourth street SE.;

A bill (S. 7425) authorizing the extension of Oak street NW.; and

A bill (S. 7426) for the opening of Warren and Forty-sixth streets NW., District of Columbia.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7427) granting an increase of pension to George L. Danforth (with accompanying papers);

A bill (S. 7428) granting an increase of pension to Helen C. Lettemmayer;

A bill (S. 7429) granting a pension to Caroline A. Gilman (with an accompanying paper); and

A bill (S. 7430) granting a pension to Mary F. Johnson (with accompanying papers).

Mr. GALLINGER introduced a bill (S. 7431) to correct the military record of Otis C. Mooney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7432) granting an increase of pension to G. W. Rutherford;

A bill (S. 7433) granting an increase of pension to Charles B. Gilbert;

A bill (S. 7434) granting an increase of pension to George Blake (with an accompanying paper);

A bill (S. 7435) granting an increase of pension to Spencer Phillips; and

A bill (S. 7436) granting a pension to Lucinda Phares.

Mr. ELKINS introduced a bill (S. 7437) to provide for the

appointment of an additional district Judge in and for the southern judicial district of the State of West Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7438) for the relief of the secretary and treasurer of Lexington Lodge, No. 1, F. and A. Masons, of Lexington Ky.;

A bill (S. 7439) for the relief of the trustees of the Methodist Episcopal Church South, of Brandenburg, Ky.;

A bill (S. 7440) for the relief of the secretary and treasurer of the Chamberlain Philosophical and Literary Society, of Danville, Ky.;

A bill (S. 7441) for the relief of the trustees of the Baptist Church of Shepherdsville, Ky.;

A bill (S. 7442) for the relief of the trustees of the Glasgow graded common schools, of Glasgow, Ky.;

A bill (S. 7443) for the relief of the rector of St. Augustine's Roman Catholic Church, of Lebanon, Ky.; and

A bill (S. 7444) for the relief of the trustees of the First Presbyterian Church of Danville, Ky.

Mr. ANKENY introduced a bill (S. 7445) granting an increase of pension to Charles J. Freese; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 7446) granting a pension to Patrick Kinney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 7447) granting an increase of pension to Maria Wells; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 7448) granting an increase of pension to Emma L. Harrower; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7449) granting an increase of pension to Anna M. Loomis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7450) to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as deceased soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURKETT introduced a bill (S. 7451) to prevent the nullification of State antigambling laws by interstate race gambling by telegraph; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7452) granting an increase of pension to Thomas Harrop;

A bill (S. 7453) granting an increase of pension to Samuel Steel; and

A bill (S. 7454) granting an increase of pension to John E. Meglerme (with an accompanying paper).

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and, with accompanying papers, referred to the Committee on Pensions:

A bill (S. 7455) granting an increase of pension to Annie C. Anthony; and

A bill (S. 7456) granting an increase of pension to Caroline M. Packard.

Mr. KNOX introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7457) applying the provisions of the act of June 27, 1890, to the men of the Mississippi River Ram Fleet and Marine Brigade, their widows and minor children (with an accompanying paper);

A bill (S. 7458) granting an increase of pension to J. L. Francis;

A bill (S. 7459) granting a pension to Ella J. Crosse; and

A bill (S. 7460) granting an increase of pension to Marshall H. Lewis.

Mr. HALE introduced a bill (S. 7461) to provide for the harbor accommodation, movements, and anchorage of foreign vessels of war visiting Hampton Roads during the Jamestown Exposition; which was read twice by its title, and, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. WARREN introduced a bill (S. 7462) granting an increase of pension to Amiziah Reed; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 7463) granting a pension to George C. Rimes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7464) for the relief of Mrs. Zerelda P. Allen, and estates of William B. Poole and Mrs. Mollie Amanda Phillips (with an accompanying paper);

A bill (S. 7465) for the relief of the heirs of Joel S. Calvert; and

A bill (S. 7466) for the relief of the heirs of H. D. Flowers, deceased.

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7467) to provide for the division of a penalty recovered under the alien contract-labor law; and

A bill (S. 7468) for the relief of I. B. Hammond.

Mr. FULTON introduced a bill (S. 7469) authorizing the restoration of the name of James R. Chapman, late lieutenant, Twenty-second United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7470) granting an increase of pension to William F. Burnett;

A bill (S. 7471) granting an increase of pension to Rudolph Crandall;

A bill (S. 7472) granting a pension to James A. Baker;

A bill (S. 7473) granting an increase of pension to John M. Gilliland; and

A bill (S. 7474) granting an increase of pension to William Armstrong.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7475) granting an increase of pension to William D. Hudson; and

A bill (S. 7476) granting an increase of pension to Oliver S. Boggs.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7477) granting an increase of pension to Patrick Cooney;

A bill (S. 7478) granting an increase of pension to William H. Brown;

A bill (S. 7479) granting an increase of pension to George L. Corey;

A bill (S. 7480) granting an increase of pension to John Bowen;

A bill (S. 7481) granting an increase of pension to A. W. Edwards;

A bill (S. 7482) granting an increase of pension to Wilford Herrick;

A bill (S. 7483) granting an increase of pension to Marinda D. Beery;

A bill (S. 7484) granting an increase of pension to Samuel E. Coover;

A bill (S. 7485) granting an increase of pension to Lester M. P. Griswold;

A bill (S. 7486) granting an increase of pension to Byron A. Williams;

A bill (S. 7487) granting an increase of pension to Andrew J. Welker;

A bill (S. 7488) granting a pension to William W. Putnam;

A bill (S. 7489) granting an increase of pension to Albert C. Wagner; and

A bill (S. 7490) granting an increase of pension to Henry Hanson, alias Halden Hanson.

Mr. CRANE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7491) granting an increase of pension to Anna V. Blaney;

A bill (S. 7492) granting an increase of pension to Benjamin Clow; and

A bill (S. 7493) granting an increase of pension to George Arthur Tappan.

Mr. HANSBROUGH introduced the following bills; which

were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (S. 7494) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes;

A bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;

A bill (S. 7496) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local land officers prematurely; and

A bill (S. 7497) providing for the commutation of second homestead entries in certain cases.

Mr. NELSON introduced a bill (S. 7498) prohibiting the sale or disposal of beds or deposits of coal, lignite, asphalt, petroleum, and natural gas, and the lands in which the same are situate, and providing for the leasing of such deposits and lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 7499) to amend section 8 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, relative to the expense allowance of United States attorneys and assistants while absent from their official residences on official business; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PILES introduced a bill (S. 7500) providing for two additional circuit judges in the ninth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7501) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7502) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7503) granting an increase of pension to George W. Baker;

A bill (S. 7504) granting an increase of pension to David Decker; and

A bill (S. 7505) granting an increase of pension to Michael Bogue.

Mr. MALLORY introduced a bill (S. 7506) providing for completing the construction of the road from Barrancas military post, by way of the national cemetery and the navy-yard, on the naval reservation near Pensacola, Fla., to the north shore of Bayou Grande, and for repairing the bridge connecting said road with said north shore of Bayou Grande; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7507) granting an increase of pension to Clara Caro; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7508) granting a pension to Wilmot Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7509) granting an increase of pension to William T. Bennett;

A bill (S. 7510) granting an increase of pension to Millard F. Burrows; and

A bill (S. 7511) granting an increase of pension to James Fisher (with accompanying papers).

Mr. CARTER introduced a bill (S. 7512) to provide for an additional land district in the State of Montana, to be known as the Glasgow land district; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7513) granting an increase of pension to Alexander M. Cowgill; and

A bill (S. 7514) granting an increase of pension to Thomas Cornelius.

Mr. CARTER introduced a bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MARTIN introduced a bill (S. 7516) granting an increase of pension to Margaret T. Everly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 7517) granting an increase of pension to Sarah Searle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7518) granting an increase of pension to Charles W. Cary; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. I submit an amendment intended to be proposed by me to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia, which I ask may lie on the table, and be printed.

I wish to give notice that on Monday, January 14, I shall submit to the Senate some remarks upon this amendment.

The VICE-PRESIDENT. The amendment will be printed, and lie on the table.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table, and be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table, and be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed, and to be printed in the RECORD, as follows:

Substitute for section 1 the following:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, saloon, hotel, apartment house, pool room, theater, or bowling alley, nor during school hours in the distribution or transmission of merchandise or messages, selling newspapers, or doing other light outdoor work, nor shall such child be employed before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening: *Provided*, That the provisions of this act shall not apply to children between the ages of 12 and 16 years employed in the Senate and House of Representatives nor to children between such ages who are regularly engaged in learning a trade.

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 2073) for the relief of Andrew H. Russell and William R. Livermore; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to appropriate \$50,000 for compensation and actual traveling expenses of special agents to investigate trade conditions abroad, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment authorizing the Court of Claims as a body to employ, for work necessary to be performed, an auditor or clerk for any of its judges, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAPP submitted an amendment directing the Court of Claims to consider and render final judgment in the matter of the claims against the Mississippi Choctaws of James E. Arnold, his associates and assigns, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McENERY submitted an amendment proposing to increase the salary of the chief clerk and cashier, office of Assistant Treasurer at New Orleans, from \$2,250 to \$2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ALCOHOL IN THE ARTS.

On motion of Mr. HANSBROUGH, it was

Ordered, That 500 copies of S. 7326, to amend an act entitled "An act for the withdrawal from bond tax free of domestic alcohol when

rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturizing materials," approved June 7, 1906, be printed for the use of the Senate.

HOUSE BILL REFERRED.

H. R. 21202. An act fixing time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, was read twice by its title, and referred to the Committee on Public Lands.

MEMORIAL ADDRESSES ON THE LATE SENATOR GORMAN.

Mr. RAYNER. Mr. President, I desire to give notice that on Saturday, January 26, 1907, immediately after the routine morning business, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Hon. Arthur Pue Gorman.

TREATY WITH JAPAN.

Mr. GEARIN. Mr. President, I give notice that on Monday next after the conclusion of the routine morning business I shall call up Senate resolution 197, advising that negotiations be entered into with the Japanese Government with a view to secure a modification of the existing treaty with Japan, etc., for the purpose of making some remarks upon it.

EXTENSION OF FEDERAL POWERS.

Mr. OVERMAN. Mr. President, I desire to give notice that on Tuesday next, after the close of the routine morning business, I shall call up Senate resolution No. 200, defining the rights delegated to the Government and those reserved to the States, etc., for the purpose of making some remarks thereon.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. McCUMBER. Mr. President, I gave notice on the 18th of last month that I would call up the pension bill for consideration this morning. I understand that the senior Senator from Texas [Mr. CULBERSON] is prepared to speak upon the resolution relating to the Brownsville affair and is very anxious to go on this morning. I wish, therefore, to change that notice so that I may call up the bill after the routine morning business to-morrow, and I hope that I shall be able to have it considered at that time—that is, considered until 2 o'clock in the afternoon.

Mr. FORAKER. I do not wish to interfere with the consideration of the bill the Senator from North Dakota has given notice that he desires to bring up for consideration, but I wish to call attention to the fact that Senate resolution 208, which I offered on the last day before we adjourned for the vacation, is now before the Senate, as I understand it. The resolution we then had under consideration was No. 181. I asked and obtained unanimous consent to modify the resolution and offered it in a different form as another resolution. It is now numbered 208, and it went over, and to-day will come up, I understand. It is not the old resolution, but a new resolution modified so as to make it mandatory instead of giving an option to the Committee on Military Affairs to take testimony. I ask that that resolution may be laid before the Senate, and then I will come to an understanding with the Senator from North Dakota.

The VICE-PRESIDENT. The Senator from Ohio asks that the resolution indicated by him be laid before the Senate. Is there objection? The Chair hears none. The Secretary will read the resolution.

The Secretary read the modified resolution submitted by Mr. FORAKER December 20, 1906, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. FORAKER. Now, Mr. President, what I inquire about is the parliamentary status of the resolution. I understand that it is now before the Senate for consideration, and of right. I do not wish to crowd out the Senator from North Dakota.

The VICE-PRESIDENT. The Chair understands that the resolution is merely a modification of the resolution previously introduced, and that its status would be governed by the status of the resolution of which it is a modification.

Mr. FORAKER. It does not signify on the face of it that it is a modification. I stated when Senate resolution 181 was under consideration that I would, if given unanimous consent, modify my resolution. When I undertook to modify it I found it so difficult to do it that I had to change it throughout almost. I simply drafted it in this form and offered it, and I see that the clerks have numbered it as a separate resolution. I understand the Senator from Texas [Mr. CULBERSON] desires to speak on the resolution this morning, and I merely want, if it is in order, to have it before the Senate so that he may have an opportunity to speak on it.

The VICE-PRESIDENT. The Chair put the Senator's re-

quest for unanimous consent that the resolution should be placed before the Senate this morning, and the Chair heard no objection to that request. The resolution was read, and the Chair understands that it is now before the Senate.

Mr. FORAKER. I am willing to yield at any time to the Senator from North Dakota after the Senator from Texas has spoken, so that he may bring up the bill he speaks of.

Mr. GALLINGER. Mr. President, I desire simply to ask the Senator from North Dakota a question concerning the bill he proposes to call up to-morrow, I understood him to say. I wish to ask the Senator if it is his intention to press that bill to a vote. It is a very important measure, and I would want to look into the question pretty carefully before I should be prepared to cast a vote on it. I should like to know the purpose the Senator has in view. If it is only to discuss the bill and then have it laid aside, of course there can be no objection.

Mr. McCUMBER. In answer to the Senator from New Hampshire I would say that my intention is simply to call up the bill for discussion during the morning hour, with a view, however, to having an agreement by which it may be made the unfinished business very soon. It has already been on the Calendar since April 2 of last year, so Senators have had considerable time to consider it.

Now, Mr. President, while I am on my feet I desire to ask a question about the status of this resolution. I do not understand that the resolution has any special right of way for any particular day in the future by reason of anything that has been done in reference to it to-day. It would have to be called up, I understand, to-morrow, the same as any other bill or resolution, and have the consent of the Senate to consider it. I have already yielded to-day to the Senator from Texas for the purpose of enabling him to discuss the resolution. I simply want to know whether that in any way interferes with the notice which I just now gave that I would call up for consideration briefly the pension bill to-morrow after the routine morning business?

The VICE-PRESIDENT. The Chair understands that under the rule the resolution has no rights beyond the morning hour. It would have to be called up the same as any other subject.

Mr. McCUMBER. That is as I understand it.

Mr. MONEY. I desire to ask a question of the Senator from North Dakota. To what pension bill is it that he alludes?

Mr. McCUMBER. It is a general service pension bill.

Mr. MONEY. A general service pension bill?

Mr. McCUMBER. Yes; Order of Business 2293. The number of the bill is Senate 976.

Mr. CULBERSON. Mr. President, when this matter was first presented to the Senate it occurred to me, for reasons which need not be stated, to remain silent, although it concerned some of the people of Texas. Since then, and in my absence from the city, great injustice has been done the people of Brownsville, which calls for that refutation which, I think, the facts easily and conclusively establish.

Three companies of negro troops of the Twenty-fifth Infantry were stationed last July at Fort Brown, which is within the corporate limits of the city of Brownsville. Some of these troops were ignorant, disrespectful, and insolent. At other stations men of the same companies had been engaged in disturbances and riots which culminated in murder. At Brownsville, previous to August 13, the conduct of some of these soldiers was offensive to the citizens, especially to women, and on the 12th day of August a criminal assault was made upon one of the most reputable women of the city by a brutal negro soldier. Complaint of this was made the next day to the commanding officer, though no arrest has yet been made, and in view of the just indignation of the people the mayor of the city requested this officer not to permit the soldiers on the streets of the city that night. Such an order was entered, which provoked resentment on the part of the soldiers. About midnight that night, August 13, some fifteen or twenty of the soldiers made an assault upon the city with arms; fired recklessly and wantonly into many residences, business houses, and hotels; terrified women and children, who miraculously escaped injury or death; seriously wounded the lieutenant of police, and murdered an inoffensive citizen. Notwithstanding this cowardly and inhuman assault, the people of Brownsville, although excited and indignant, kept the peace. Mr. President, refrained from acts of violence, and contented themselves with appealing to the State and Federal authorities for protection.

What return, sir, is made to them in some quarters for this act of self-restraint and obedience to law? They are practically charged with rioting among themselves, with firing without provocation upon their own people, with putting their women and children in jeopardy of life, with wounding their peace officer and murdering their fellow-citizen. Upon considerations

and motives which I can not pretend to fathom, no people were ever more unjustly and cruelly assailed.

Nor, Mr. President, have accusations stopped with the people of Brownsville. Captain McDonald, of the Texas Rangers, and Major Blockson, of the United States Army, in their efforts under orders to detect these midnight assassins, have been sharply and severely arraigned. I know McDonald well. Plain and rough of manner and of speech, he is as honest and as truthful as he is fearless and brave. He is a worthy successor, Mr. President, in courage and devotion to duty of Hays and Ford and McCullough and McNally, who made the Texas Rangers famous on the frontier. My acquaintance with Major Blockson has not been so long, and he needs no defense, but I am glad to say here in my place that he is a gentleman by birth and instinct; that he is an accomplished and conscientious officer, and that his military record is without blemish or stain.

When the record in this case was presented to the President, all the soldiers denying participation in or knowledge of the crimes committed at Brownsville, he discharged the entire battalion without honor before the expiration of the term of enlistment, through the Secretary of War. This action of the President is challenged as unauthorized by law, and this raises the important legal question involved in this controversy.

It has been intimated that the discharge was ordered because the troops were negroes. But in a consideration of the law of the case it is not essential to inquire whether the discharge was ordered because the troops were negroes any more than to inquire whether the controversy arose here because the troops were negroes.

It is well to say at the outset that while, in my judgment, the President was authorized to discharge the soldiers without honor, to be followed by the disqualifications incident to such discharge provided by law and the Army Regulations, so much of the order as purports to debar them from civil employment under the Federal Government forever is inoperative as beyond his authority. Under the civil-service rules they appear to be ineligible to civil appointments for one year. The order doubtless was not intended to apply to civil employment through elective offices, and obviously could not affect such cases. Moreover, that portion of the order which seeks to debar them from reenlisting in the Army is without legal force in itself. Their reenlistment, as it may depend upon this question, is governed and controlled by the act of Congress of 1894, which provides that no soldier shall be again enlisted in the Army whose previous service has not been honest and faithful.

The general contention that the discharge of the troops in this case is without warrant of law is based upon a confusion of the discharge and the punishment of enlisted men in the Army and upon a misconception of the powers of the President and a court-martial in respect to such matters. The Constitution declares that the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. It may be that this provision vests in the President ample powers respecting discipline which would enable him to exercise fully the supreme command, but in my view of the question it is unnecessary to consider this phase of the subject, because undoubtedly such powers as are necessary in this case are expressly devolved upon him by the Articles of War.

The Constitution also declares that the Congress shall have power to "make rules for the government and regulation of the land and naval forces." Pursuant to this authority Congress has made such rules for the land forces, and they are incorporated in section 1342 of the Revised Statutes of the United States and are known as the Articles of War. From time to time, under the constitutional authority of Commander in Chief, regulations for the Army, not inconsistent with the Articles of War, have been promulgated by the Executive. By an Executive order, September 15, 1904, the latest regulations for the Army were promulgated by the President. Whether there can be any conflict between the power of the President to command the Army and the power of the Congress to make rules for its government is of no consequence in this discussion, for there is, on the subject of discharging the enlisted men in this instance, no conflict in the rules made by the Congress and those made by the President. The Articles of War enacted by the Congress clearly distinguish between the discharge of enlisted men prior to the expiration of the term of service in the interest of military discipline and for the good of the service and the punishment of such men for criminal offenses which are named in the Articles of War. Men may be *discharged* under the Articles of War, as provided in the fourth article, by the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial, but they can only be *punished* for the offenses named as a court-martial may direct.

A court-martial, while it may by sentence order the discharge of enlisted men, is not an essential intermediary when the discharge is ordered by the President, the Secretary of War, or the commanding officer of a department. Discharge of enlisted men is not necessarily, therefore, within the meaning of the Articles of War, punishment for criminal offenses denounced by them, except when done by sentence of a general court-martial, which from the very nature of the case implies trial, conviction, and sentence in a criminal action cognizable in such military tribunal. That discharges may be ordered by way of punishment is also recognized by section 1290, Revised Statutes, where it is provided: "When a soldier is discharged from the service (except by way of punishment) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment." The Articles of War do not expressly classify discharges, but naturally and logically they are classified into honorable and dishonorable discharges. This classification, so far as any specific law or regulation is concerned, though in practice discharges without honor were previously recognized, obtained until 1893, when by Circular 15 from the headquarters of the Army, cases were specified in which discharges without honor would be given. It had been the practice of the Government prior to 1893, though in theory only honorable and dishonorable discharges were known, to give dishonorable discharges, *eo nomine*, by the Executive, when technically they were not dishonorable because not imposed by the sentence of a general court-martial. The Circular 15 of 1893 merely gave expression to this construction and practice and a name to the discharge. After this, therefore, three classes of discharges were expressly recognized—the honorable, the dishonorable, and the discharge without honor. The significance of an honorable discharge is obvious. Under the Articles of War, the regulations of the Army, and the practice of the Government for more than a century dishonorable discharges are those which may be given only in pursuance of a sentence of a general court-martial. As a consequence and of necessity dishonorable discharges can only be given as punishment for the commission of offenses which are named in the Articles of War. Other punishment, it is true, may be imposed by courts-martial for the commission of such offenses, within the limitations prescribed in the Articles of War, but dishonorable discharges can only be given by sentence of courts-martial, and that by way of punishment for offenses named in the Articles of War. There is a middle class of discharges, those which are not strictly honorable nor strictly dishonorable, those where there is a failure to discharge enlisted men with honor.

This class of discharges is known as discharges without honor, and may be generally defined to be discharges given not as punishment for offenses named in the Articles of War, but for causes tainting the character of the discharge or because the Government has not been served honestly and faithfully. It is the settled doctrine of the Judge-Advocate-General's Office, and always has been, that such a discharge is not a punishment and need not be given by sentence of a general court-martial. (Dig. Op. Judge Adv. Gen., 1901, p. 319.) The present very able Judge-Advocate-General of the Army, in his report of November 23, 1906, to the Secretary of War, thus states the authority of the President to discharge without honor in this case:

DISCHARGES.

The separation of an enlisted man from the military service is regulated by the requirements of the Fourth Article of War, which provides that—

"ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial."

It will be noted that the article above cited contemplates at least two classes of discharges: (1) Honorable discharges, which are given when the term prescribed in the enlistment contract has been served honestly and faithfully; (2) dishonorable discharges, which are given in pursuance of a sentence of a general court-martial. Otherwise the classification of discharges has never been assumed by Congress, but has been left by it to the executive branch of the Government. At present there are three kinds of discharges expressly recognized, to wit: The honorable, the dishonorable, and the discharge without honor. The dishonorable discharge is given only in the case of discharge by sentence of court-martial. The discharge without honor is given in the cases first specified in Circular 15, Headquarters of the Army, 1893, but this circular did not *create* such discharge; it merely gave it a name. Before the issue of the circular and as far back as the rebellion (notwithstanding that it was from time to time theoretically asserted that the only kind of discharges known to the law were the honorable and the dishonorable, and that all discharges except by sentence of court-martial were honorable) a third kind of discharge was out of necessity resorted to. It is now recognized that there is a kind of discharge which is neither honorable nor technically dishonorable, but must be classified by itself. This is the "discharge without honor."

There were many soldiers summarily discharged during the rebellion for causes tainting the character of their discharges. In numerous

cases the orders were made to read *dishonorably* discharged, although a dishonorable discharge, in the technical sense of that term, can not be imposed except by sentence of a court-martial. A summary discharge can not be a dishonorable discharge, if the term is used in such technical sense, but it may be for a cause tainting the character of the discharge—a discharge manifestly not honorable. Such a summary discharge is now called "discharge without honor." Its name, however, is only important as a recognition of a discharge, not technically dishonorable, but not honorable in fact. It might not be going too far to say that when soldiers were summarily "dishonorably discharged" during the rebellion the order was so worded simply because the soldier had done something to disgrace the service, and could not be in fact honorably discharged.

Although not having committed an offense of sufficient gravity to warrant his trial by court-martial, the conduct of a soldier may be such as to warrant the termination of his enlistment contract because he has not served the Government honestly and faithfully, as he is required to do by the engagement which is embodied in his oath of enlistment. In such a case, when reasonable efforts have been put forth with a view to the correction of his faults, his enlistment contract may be annulled in the manner prescribed in the fourth article of war. The issue of discharges without honor is regulated by paragraph 148 of the Army Regulations, which prescribes, *inter alia*, that the form for discharge without honor will be used in the following cases:

"148. Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army, and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:

"2. The blank for discharge without honor when a soldier is discharged:

"(a) Without trial, on account of fraudulent enlistment.

"(b) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.

"(c) On account of imprisonment under sentence of a civil court.

"(d) Where the service has not been honest and faithful; that is, where the service does not warrant his reenlistment.

"(e) When discharge without honor is specially ordered by the Secretary of War for any other reason."

Paragraph 146 of the Army Regulations contains certain provisions which, if carefully read, will be found to be in entire harmony with the requirements of paragraph 148, above cited. Paragraph 146 applies exclusively to the case of a discharge at expiration of the soldier's term of enlistment and to the form of discharge which shall be used in that case, and provides that:

"146. The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful he will be entitled to such character as will warrant his reenlistment—that is, to character at least "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful. The soldier will in every case be given a hearing before the board.

"If the company commander is the commanding officer, he will report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening authority, shall be final. Discharge without honor on account of "service not honest and faithful" will be given only on the approved finding of a board of officers as herein prescribed.

"When an honorable discharge is given following the action of the board, the fact will be noted on the discharge and on the muster rolls.

"The proceedings of boards convened under this paragraph, showing all the facts pertinent to the inquiry, will be forwarded by the reviewing authority direct to The Military Secretary of the Army."

As has been said, the requirements of the paragraph last above cited are only applicable in determining the character of discharge to be given an enlisted man at the expiration of his term of enlistment. It has never been regarded as restricting the authority vested in the President and the Secretary of War in the fourth article of war.

It would thus appear that the last clause of the fourth article of war vests a discretion in the President to annul an enlistment contract whenever, in his opinion, that course is dictated by the public interest. The English practice, upon which our military administration is to a considerable extent based, is substantially similar to that prescribed in the Articles of War. Clode, in his *Military Forces of the Crown*, says in speaking of the soldier's enlistment:

"Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown."—(II Clode, *Military Forces of the Crown*, p. 40.)

The provision of a suitable agency for the investigation of charges of wrongdoing on the part of enlisted men, in the operation of which questions of fact may be investigated, findings reached, and, in case of conviction, adequate sentences imposed, restricts the exercise of the power of summary discharge, which is vested in the President in the article above cited, to cases in which the conduct of the soldier and the character of the services rendered can not be investigated by a military tribunal. In the case under discussion it is an essential incident of a judicial investigation that those who are aware of the wrongful acts committed should testify, under oath, as to facts within their knowledge. To defeat such an inquiry, a considerable number of enlisted men have entered into a criminal combination, in the execution of which they decline to disclose facts which are known to them touching the very serious offenses against public order which were committed at Brownsville, Tex., in August last. In that view of the case, the question presented is, Are men who enter into such a combination rendering honest and faithful service within the meaning of their enlistment contracts? In other words, can men admittedly so disregardful of public authority be trusted and relied upon when upon an occasion of public emergency they are called upon to support it?

A court-martial, while a military tribunal, is judicial in character. In proceedings before it there must be charges against individuals, direct and specific, and in trials the same rules of evidence govern as in civil courts. After most careful and exhaustive inquiry in this case, although there was no doubt that soldiers committed the crimes, it was impossible to discover evidence against individuals as a basis for proceedings before a court-martial. It is not a case, therefore, as is pointed out by the Judge-Advocate-General, which can be investigated by a court-martial.

Other distinctions exist between a discharge without honor and a dishonorable discharge, some of which are named by the Judge-Advocate-General in his memorandum in this case, December 8, 1906. Among these is the right of admission to the Soldiers' Home, the right to be buried in a national cemetery, and the right to receive transportation and subsistence. In each of these cases this right exists when enlisted men are discharged without honor though not when they are dishonorably discharged.

This, Mr. President, is the law; this is the practice; these are the precedents. Under them thousands of soldiers, white and black, have been discharged without honor by the Executive. During the past year 352 enlisted men, doubtless including both white and black, were so discharged. The effort here, if successful, will reverse the course of military justice, shield malefactors and criminals, and enable a league of army assassins and murderers to defy public authority and perpetuate itself. Any less authority, Mr. President, than that claimed and exercised in this case would render the Government impotent and place it at the mercy of any criminal faction which might arise in the Army.

Let us now turn from the law to the facts. It is admitted that no individual soldier has been identified as having been engaged in this outrage; so that the inquiry here is limited to whether it was committed by soldiers or civilians.

I have already stated, Mr. President, that prior to August 13 the conduct of some of the soldiers was offensive to the citizens of Brownsville, and a criminal assault had been made upon a lady of the city by a soldier. In addition to this the soldiers were denied equality with whites in some of the saloons of far-away Brownsville; there was a difficulty between a soldier and a customs officer at the crossing of the Rio Grande; and a soldier was struck over the head with a pistol by another customs officer for rude conduct toward the wife of that officer. What resentment, Mr. President, this created in the minds and hearts of the soldiers is well expressed by the colored citizens of Boston and vicinity in a series of resolutions adopted by them at their recent meeting in Faneuil Hall. Hear what they say, as I read from a copy of a paper sent to me by some of them through the mail. They do not deny that soldiers committed the deed, but they give reasons why they did so. They say:

Brooding on repeated insults and outrages, a few of these colored soldiers went into the town on the night of August 13 last with their guns, determined to do for themselves what the uniform of their country could not do for them and what the police power of white Brownsville would not do for them, viz, protect them from such insults and outrages and punish at the same time the authors of their misery.

There is the resentment, there is the motive, there is the malice, there is the purpose, Mr. President, not only to resent some injustice which may have been done them, but, as stated by their colored friends about Boston and its vicinity, to punish the authors of their misery.

Now, Mr. President, what of the evidence in this case? It has been said that the only evidence is that taken before a committee of citizens of Brownsville, the chairman of which was an ex-Army officer and a Republican. But that is not true, Mr. President. The very report and document from which that testimony was read shows that Major Blocksom, the inspector-general, made inquiry and took the testimony of more than fifty witnesses composed of all classes of people in the city of Brownsville—officials, private citizens, Confederates, Union men, Republicans, Democrats, and not a man, woman, or child in the community doubted the guilt of these ruffians.

It is not customary, Mr. President, for the Inspector-General or any of his assistants in making investigations necessarily to take the testimony in writing. An Army officer was supposed to be a man of honor, at least until these proceedings arose. Something was supposed to be due to his character and that he would not willfully misrepresent facts, which would subject him not only to the criticism and censure of the people, but to trial by court-martial. Why was not that stated?

I have nothing to do with the President personally in this matter. I care nothing about his personality in this case. My personal relations with him, Mr. President, are about as cordial as those of the Senator from Ohio [Mr. FORAKER]; but it

ought to have been stated, in all fairness, that the country might know it, that this conscientious American soldier went into Brownsville, talked with the citizens, talked with the officers and soldiers, talked with every class of people, and then upon his honor reported to the President of the United States that the testimony upon this question was without doubt.

But I shall read some of the testimony that was taken by the citizens' committee, and that testimony was taken, Mr. President, in conjunction, I believe, with Major Penrose, the commanding officer of this battalion of soldiers. I wish to read some of it, and I shall print in the RECORD all of the testimony of any single witness from whose testimony I read and not present it detached and garbled. Remember, now, I am on the proposition that soldiers and not civilians committed this act of wanton savagery upon an unsuspecting and sleeping people. Talk about the uniform of the soldier; talk about the honor of the Army; talk about the glory of the flag! Mr. President, the law and public indignation should drive every such scoundrel from the Army, that its record may continue to be such that honorable men can point to it with pride.

Now, let us see. Let us take Mr. George W. Randall. His house is within 60 feet of the garrison, and remember, Mr. President, because I do not want you to get away from that proposition, the question is whether this outrage was committed by soldiers or civilians. That is the point now.

TESTIMONY TAKEN BY CITIZENS' COMMITTEE RELATIVE TO ACTION OF UNITED STATES TROOPS ON THE NIGHT OF AUGUST 13 AND MORNING OF AUGUST 14, 1906.

BROWNSVILLE, TEX., August 14, 1906.

Mr. George W. Randall takes the stand.

Q. Tell what you saw from the time your attention was first attracted.—A. Well, I was sleeping about 10 o'clock and was woken up by pistol shots fired close to my house, about 60 feet from garrison, inside of garrison wall. I got up and went to the window, my wife with me. We could see men moving back and forth inside the garrison wall, and they were shooting. One man in particular. I watched the shots, seeing the fire leave the pistol, and it was elevated up in the air and was being fired about as fast as a man can move his finger. There were other shots, but I did not notice them.

Q. What time was that?—A. About 10 o'clock, I think; though I did not strike a light to look. The next move that I saw and what I heard was one word—there was a good deal of talking, but very low—one man said "There he goes," and they made a move for the wall and passed out of my sight.

Q. Did they have guns in their hands?—A. I could not tell.

Q. Were they soldiers?—A. Yes.

Q. You could see on the town side of the garrison wall?—A. Yes.

Q. Did you see any shooting on the town side of the garrison wall toward the garrison at the time of the firing?—A. No.

Q. Then all the shooting you saw was from the inside of the garrison?—A. The shooting I saw—and that was through the flash of the pistol, and every one of those flashes was elevated—did not seem to be shooting at anything.

Q. When you saw the flashes of fire could you tell in what direction such fire was?—A. It was elevated.

Q. Was it toward town or away from town?—A. Toward town.

Q. How long did that shooting continue?—A. I do not think it was more than five or six minutes.

Q. Were there other shots fired from the post also later?—A. (Not known.) The first shot came from the garrison wall down below; the next one passed through my room and went directly over my bed.

Q. How long was that after the first shot was fired?—A. Five or six minutes.

Q. That last shot that went through your house, judging from the direction of the shot, would you suppose it was fired by somebody who ran out of town through the alley?—A. No; it could not have been. My house stands [motioned toward the fort], and the place where it went into my house [motioned again] and the place where it went out [another motion] was about 6 inches above where it went in. Stenographer can't comprehend motions.)

Q. After the first shot was fired, how long was it until you heard the last shot?—A. I could not tell. My wife said it was between a half and three-quarters of an hour, but I think it was not that long.

Q. The shot that came through your house came from the direction of the garrison?—A. Yes; about the lower end of the lower quarters.

Q. That was several minutes after the first fire?—A. Yes.

Q. Do you remember whether it was before or after the bugle call was sounded?—A. It was after; long time after. The first bugle call that I heard—it was a peculiar call—was two or three minutes after they left the quarters and jumped the wall and started this way.

Q. It was after the bugle call?—A. Yes; and it was quite a little while before that man got the squad together and came up Elizabeth.

Q. There were two bugle calls?—A. Yes.

Q. Was this after the first or second bugle call?—A. The last.

Q. Did you see anything of the placing of a Gatling gun in the gate last night?—A. No.

Q. You were in view of the gate all the time?—A. Yes.

Q. You could have seen it?—A. Yes. (Continued.) The first shots that I heard seemed to me as though they were a little to the left. When I got up and went to the window I saw that they were shooting up.

(Excused.)

Mr. O. J. Matlock takes the stand.

Q. (By chairman.) This committee is engaged in investigating what occurred last night. It has been stated that some soldier addressed you and told you that it would be dangerous for you to go up the street after 10 o'clock.—A. No; no one addressed me that way. The only conversation that I had was with the commander of Company B (I think it was), and he said that his instructions were to keep his men in at night, and that he was going to call them back. I had no talk with a soldier, and knew nothing of it, except that there was a little strange situation on account of the affair Sunday night.

Q. Where were you during this shooting?—A. Behind the guard-house, at Mrs. Johnson's house.

Q. Did you see anybody do any shooting?—A. No. I went up to the guardhouse to see what was the matter. They said they did not know, and came near running their bayonets into me, they were so excited. They said they knew nothing about it.

Q. Do you know anything about the roll call there last night?—A. No.

Q. Anything about the guns?—A. No; except what I have heard.

Q. Did you make the statement that the guns have not been returned to the racks yet?—A. No; for I don't know anything about it. I had a talk with some of the officers this morning, and they told me that the guns had not been tampered with. They had an idea that the guns could not be gotten hold of except for drill purposes.

Q. Is that still their idea?—A. No; I think not.

Q. How long would it take a man to go from the officers' quarters over to the men's quarters?—A. They were in bed, and, having to dress, it would take maybe eight minutes to get their clothes on and get over there. Maybe all of eight minutes.

Q. Do you know anything that might be of the slightest help to this committee?—A. No; nobody out there knows anything about it. The general opinion is that they will never know anything about it as long as they stay here, unless one of them gets full and tells it.

Q. Did you state that you were told not to go out that night?—A. Yes; I was washing my hands when the shooting commenced, and I went up there, and they were very excited and told me I had better get back into the house or I might get hurt.

Q. That was while the shooting was going on?—A. Yes; I started to go, and they said, "Don't go yet awhile." So I waited.

Q. Was the officer of the guard there?—A. There is no officer of the guard, except the noncommissioned officer. He was on his round. I heard him make his round about 11 o'clock.

Q. If there was a guard on last night, did not he know anybody who went into or out of the post?—A. No; he might be around the barracks, and a person could come in the gate.

Q. But if they had a special patrol? With that they should be able to keep people out?

(Answer not known.)

Q. I understand there was one man with each squad who has entire charge of the arms and ammunition. If any arms or ammunition went out of there or went in, he was bound to know?—A. He ought to know it, if he was up all night. If he was in bed, he might be misled.

Q. These arms are under lock and key, and this party has charge of the key?—A. Yes.

Q. And he should be responsible?—A. Yes.

Q. A guard who would be up at the end of the third quarters, it would be an easy matter for any number of men to jump the fence before he could get back and see who they were?—A. Yes. It is about 500 yards.

Q. What Gatling gun is there in the fort?—A. There is only one, but it was not got out.

(Mr. KELLY stated:) It was a very old gun—one of the guns that was on the old Bravo in 1872.

(Witness excused.)

Mr. Jose Martinez testified before the committee:

Q. You know the object of this committee. Just state what you know or what you saw.

(Question of speaking English raised. Interpreter dispensed with.)

Q. Where were you last night?—A. In my room in Mr. Randall's house, right behind the telegraph office [pointed out place on map]. On alley fronting the post in block 61.

Q. Were you there last night?—A. Yes; I was reading the paper when I heard four shots.

Q. What kind of shots; pistol or rifle?—A. Gunshots.

Q. Where were they?—A. Inside the quarters. I hear the noise like somebody—big crowd—jump the fence.

Q. About how many?—A. I could not see him; I hear.

Q. Well, more or less?—A. About 20.

Q. Did they have guns in their hands?—A. Yes.

Q. Were they negroes or white men?—A. Negroes.

Q. Did you see their uniforms?—A. No; I saw their—what you call it?—bulk. I could see them shooting this way [makes motion at hips]. I could hear men come up Elizabeth street and other men go down the alley.

Q. How many shots did you hear, more or less?—A. I could not tell; about forty or fifty.

Q. Was that before or after the first bugle call? Did you hear the bugle call?—A. Yes.

Q. Did these men come over before or after?—A. They shot and then the bugle.

Q. Then you heard other shots?—A. Yes.

Q. Then a second bugle call?—A. Yes.

Q. How long was it between the two bugle calls?—A. I think it was about three minutes.

Q. Did you hear them call a roll on the other side?—A. No; I was sleeping by that time.

Q. Could you hear these soldiers talking any?—A. Yes.

Q. What did they say?—A. I did not pay any attention to them.

Q. Do you remember anything they said?—A. No.

Q. Did they curse?—A. Yes.

Q. Were they drunk or not?—A. I could not tell you.

Q. Did you see said men [Kibbe's question] go back?—A. No.

Q. Can you show us on the map where the first crossed the wall?—A. (Goes to map and points.) They jumped over the wall all along.

Q. Did they have guns in their hands?—A. Yes. I was standing in the door.

Q. Were they inside or outside the wall when the first shots were fired?—A. Inside.

Q. Then they jumped over the wall and ran up town?—A. Yes.

Q. All of them with guns?—A. Most of them I saw with guns.

Q. Some of them ran straight up the alley. Do you know whether any of them ran up Washington street?—A. I don't know. I blow out my light.

Q. Have you any idea how many men crossed that wall?—A. I saw about twenty men. I don't know how many of them jumped the wall.

Q. Did you see the soldiers when they came back to the garrison?—A. No.

Q. Did you see any of them come up Elizabeth street?—A. I could not see them; I hear them come up Elizabeth.

Q. Did you hear any shots from the town side before you heard them on the inside?—A. No.

Q. You live about 30 feet from the garrison wall?—A. Yes. (Some one ventured the information that it is just 36 feet.)

Q. Were these four shots that you heard first all the shooting that

took place until they passed your house?—A. No; when they jumped the fence they commenced shooting.

Q. Which way were they shooting?—A. This way.

Q. The guns were shooting straight?—A. Yes. Maybe some of them were elevated.

Q. That is all you know about it?—A. That is all.

Q. There were quite a number of shots fired before the first bugle?—A. Four.

Q. Were there not more shots than that before the first bugle call?—A. No.

Q. They continued until the second bugle call?—A. Yes.

Q. Were there any after the second bugle call?—A. Yes; lots of them.

(Excused.)

Mr. President, there follows the testimony of a number of witnesses. I shall print it all, but I wish to read the salient features of it to the Senate to-day. Here is a man, Baker, who climbed up on a tank so that he could see beyond the wall of the garrison. What does he say? Baker is the man who had had trouble with a soldier at the crossing of the Rio Grande.

Mr. A. Baker called to stand.

Q. Just tell what you know.—A. I heard shooting during the night; don't know exactly what hour.

Q. Was it a pistol or rifle?—A. It sounded like a pistol. I jumped up and my brother came out and asked what it was. We climbed up on a tank and looked over into the fort. The shooting commenced. There were four or five shots near the wall. Then they commenced shooting up town.

Q. Where do you live?—A. Near the old ice plant, in lot 9, block 59, I think.

Q. Did you see the men cross the wall?—A. No.

Q. Do you remember hearing a bugle call?—A. Yes.

Q. Was the firing before or after the bugle call?—A. There were some shots before the bugle call; then the bugle; then more shots; then the bugle call; then more shots. I heard the men run down the stairs, like they were coming to a fire, and some one hollered, "Fall in line," and then, "March," and they went up town.

Q. Did you hear the roll call?—A. Yes; about half an hour after they got back—a half or three-quarters of an hour after the firing ceased and they went back to the post.

Q. From where you were, could you look down in the alley?—A. Yes.

Q. At the time of the firing, or within five minutes after the firing, did you see anyone running through the alley?—A. No.

Q. Were you expecting trouble last night?—A. Yes. Yesterday evening, about 6 o'clock, two soldiers came up to the house and asked if Mr. Baker lived there. Then they said they wanted a big, broad-shouldered fellow, who said he was from Georgia. So we got our arms and guarded our residence.

Q. Do you know of the shot that Mr. Randall spoke of having gone through his room?—A. Yes; I heard it whistle.

Q. Did you notice the flash of any guns toward the fort?—A. No.

Q. If they had had a roll call you could have heard it?—A. Yes; I heard the last one and heard nearly every name called.

Q. Why were you noticing this?—A. After they had the other trouble the officer told him to report to him and that he would have a roll call and get who was out. So I noticed for the roll call this time.

Q. Did you hear the shooting up in town?—A. Yes.

Q. How many shots did you hear?—A. One hundred and fifty, maybe two hundred. It looked like volleys of them were being fired.

(Excused.)

Mr. A. C. Moore testified:

Q. This committee is sitting for the purpose of getting information that will place the saddle on the right horse. You are running the Miller Hotel?—A. Yes.

Q. Are there any bullet holes in the hotel?—A. Yes; about six.

Q. Shot by whom?—A. By people; last night.

Q. What time?—A. About 12.

Q. Did you see anyone shoot?—A. No.

Q. Did you hear?—A. Yes.

Q. Tell what you know.—A. The first shooting started down by the garrison. The shooting still continued, and they came up the alley right by our rooms. They gave the command here and fired. Then they came out on Elizabeth street. There they gave the same command again—"Halt; fire!"

Q. Could you tell who they were—negroes or white people?—A. Well, it was a good, strong voice and English spoken.

Q. Could you see them?—A. No; I could not leave my wife; she was in hysterics.

Q. You heard those commands?—A. Yes; and heard them say, "There goes the son of a bitch," and something else, "Get him!"

Q. Could you say whether it was a negro's voice?—A. I think it was. It was very coarse.

Q. After the command what did they do?—A. Well, they ran on down, and there was a shot or two fired then.

Q. Toward the corner of Thirteenth and the hotel?—A. Yes. Then they gave another command. The best that I could locate it was from this corner opposite the hotel. Then they fired, and must have fired that volley at the hotel, for there are the bullet holes showing that they must have been shot from that corner. One of them passed through a window facing and through a door and struck the wall.

Q. Have you got any of those bullets?—A. Yes; I gave them to Fred. Combe.

Q. What were they?—A. Steel jackets.

Q. How many shots did you hear?—A. About fifty.

Q. Where did they shoot the policeman—right here [pointing out of window of Wells's office]?—A. I do not know, but they were bound to have shot him when they came out of the alley, for then they hollored, "There goes the son of a bitch; get him!" Then I picked up a lot of bullets [meaning cartridges, evidently] in the alley, empty and loaded.

Q. What were they?—A. 1205, new army gun, Springfield model.

Q. That is all you know?—A. Yes.

Q. Do you know whether or not any of your guests actually saw the negro soldiers?—A. Yes; Mr. Borden and Mr. Chase had their heads out of the window and saw the squad of five or six. They shot just about then, and the bullets hit right close to the window. One bullet came through the screen, and when it hit the window went straight up.

(Excused.)

Mr. Canada testified:

Q. We are inquiring into the matter of last night with a view to ascertaining who the guilty parties are. We know they were negro soldiers. If there is anything that would throw any light on the subject we would like to have it.—A. I did not see a single man that I am sure. My room is up on third floor. As soon as the shooting began I went down on second floor and went out on the gallery. I saw that policeman and saw that the horse was wounded. He staggered and fell. I could tell by his rather dark clothes that he was an officer.

Q. Could you see who fired the shots?—A. No; I could not give any description of the men. I could hear the peculiar click of the gun, and I would swear it was a rifle.

Q. Could you tell whether it was an ordinary rifle or a Krag?—A. They were the same as the shots fired in the alley.

Q. You could not hear them say anything?—A. Perhaps, if I had been listening for that purpose alone.

Q. How many shots were fired from the corner at the horse?—A. At least three.

Q. How many in all did you hear?—A. Not less than 150; perhaps 200. Between those two numbers. It is more or less a guess.

Q. Did you hear any commands? Hear "Fire," or anything that way?—A. The only thing I heard them say was, "We got him," when the horse fell.

Q. Did you see or hear anything that would lead you to believe that they were negro soldiers?—A. Nothing except the general tenor of the affair.

Q. The next firing was up the street?—A. Yes; they went on up the street firing.

Q. From the tone of the voice that you heard make the remark, "We got him," were they Americans or Mexicans?—A. I think they were negroes. I was raised among them and knew their voices pretty well.

(Excused.)

Doctor Combe states what Mr. Odin, who is now out of the city, said in regard to the shooting (made in presence of Judge John Bartlett):

That about the middle of the night of August 13 he was standing at a window of his room in the Miller Hotel and he heard a squad of men coming down the alley; that they arrived at the corner of the alley and he recognized that they were five negro soldiers; that when they arrived at the intersection of Thirteenth street and this alley one, apparently in command, gave the order, "There he goes; shoot him." That immediately a volley was fired, and then one of the men levelled his piece at the window and fired, the bullet passing through the casing and going into the ceiling directly over his head. One of his children fell to the floor and he thought it was shot. His wife was present at the window.

(Judge Barlett affirmed statement.)

Mr. McDonald testified:

Q. We are here to get what information we can that will throw light on the circumstance.—A. I board on the little block next the garrison, about the middle. I knew there was bitter feeling in town and thought that if they caught any negro soldiers up town they might to [sic] them up. So I laid awake; never pulled off my shoes. When the first fire started I jumped up. There were from six to ten shots on Elizabeth street; then they ceased. I went down the street to the next block and on to the alley, and stopped on the corner. The shooting commenced again just inside the garrison wall. Then I saw some men assembled by the garrison wall near the telegraph office. There were about twenty men. I don't know where they came from; did not see them scale the wall or come through the gate. I think they were in trousers and shirts. I don't know whether they were negroes or white men, but they were United States soldiers. They went into the alley where I first stopped (I had moved back) and commenced shooting. I was thirty or forty steps from them. Five or six men went up that alley, and I could see their guns distinctly. I did not hear any roll call, but I went home soon after that and then came down town.

Doctor Thorne called.

Q. Tell the committee what you know.—A. I know nothing except what I heard. I heard the firing when it commenced, and supposed there was a rampage. I was in bed. There was only a thin wall between me and the alley. I heard one man say, "There he goes," or "There they go," or "There he is;" then another spoke in a loud voice, "Give them or him hell," and louder still, "God damn him." It was a negro's voice. Three bullets went into my house. I did not hear them go back down that alley, for I got up and went down town.

(Excused.)

Mr. Herbert Elkins testified:

Q. You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of whoever did it.—A. About fifteen minutes before the shooting came up I went up to my room in the Lahay Hotel, second story back. When the shooting commenced I got up and sat in the window. They came up the street; two of them seemed to be in the lead. There were five or six. I could swear they were negro soldiers. They emptied their guns into Mr. Cowen's house and then split up, and part of them went up Elizabeth street. One of them got into a mudhole and hollered for the others to go around the other way. They wore khaki pants, regulation blue shirts, and belts. The two in advance were small black negroes, none of them over 5 feet 6. I might recognize the voice of the one that got into the mudhole, and think I could recognize him, but maybe I could not pick him out. They did not turn back when the bugle call sounded, but went on, and in a little while they came back. I saw them shoot into Mr. Cowen's house once, and I think they shot into it three times. They got back to the barracks before the roll call and I think before the squad went out in town. When the squad went back I was standing with Mrs. Lahay at her front gate, and the squad passed within a few feet of us. One little black negro, who I took to be the same one that got into the mudhole when they were shooting into Mrs. Cowen's house, said, "We'll kill the rest of the sons of bitches to-morrow." I heard the policeman shoot uptown; could tell it because the shots were dull.

(Excused.)

Macedonio Ramirez called to stand. (Policeman on duty that night.)

Q. You were with Joe Dominguez?—A. Yes.

Q. Did you see the shooting?—A. Yes.

Q. Did you see the soldiers?—A. Yes.

Q. How many?—A. Five or six.

Q. Where were you?—A. When the first shots were fired I was standing at the corner of the Alamo alley. When I heard the shots I ran

to the next corner. I then ran down Washington street until I reached Mr. Bolack's corner. When I reached Bolack's corner I met the lieutenant police and Padron coming from the direction of the garrison. I asked the lieutenant police what was up. He said he did not know. He supposed the soldiers were firing. As we turned the corner—the Lieutenant police was ahead, Padron was behind him, and I was behind Padron—we heard one or two shots from the corner of the hotel. As we came near the alley we heard the locks of the guns that they were loading. When we were in front of Mr. Well's office five or six soldiers appeared at the corner of the alley. One of them said, "Here he goes; shoot him," and three or four shot at Dominguez, and one of them remarked, "Give it to him." None of us shot. Padron went up Washington street and I went up Thirteenth street. When I reached the house where Mr. Carson keeps they shot my hat off. I heard them shoot in the direction in which the other policeman ran. I ran up that way and came back down on Elizabeth street and intercepted the company. I was standing on Crichton's sidewalk; the company was in the middle of the street, and Marcellus was on the opposite side of the street. One of the men called the attention of the captain to the fact that there was a man in the street with a gun in his hand. Marcellus Daugherty stated that he was an officer of the law. He ordered them to march, and they stood still. Then he ordered them the second time, and they marched. Some of the men had their guns on their shoulders and some of them carried their guns in their hands. They were talking and seemed to be in a bad humor. They said something to their captain when he ordered them to march, and he ordered them a second time, and they marched on. They had stopped and said, "There is a man with a gun in his hand."

GENARO PADRON'S TESTIMONY.

My name is Genaro Padron. City policeman of the city of Brownsville. On the night of the 13th instant about 12 o'clock I was at the corner of the Merchants' National Bank, when I first heard some shots in the direction of the garrison. It was in the direction of Fort Brown. I was then starting up Elizabeth street with Florencio Briseño; ran very fast toward the garrison, and then as I was passing Mr. Tillman's saloon I asked him if he had a gun, and he said that he had only a .45 caliber, which I took. I ran in the same direction, up the street with Briseño, turned the other street, and went near the corner of Bolack's house, and then went up his side of the house and turned the corner and went into the Pecina's yard. Before that I had met Lieutenant Policeman Ygnacio Dominguez, who was then in front of me. I then came next, and Macedonio Ramirez was behind me. I told him "You had better not cross that alley, for the soldiers are firing from in there," and he then crossed the alley and was looking in the direction I had told him the soldiers were, and at that moment they came out and opened fire on Dominguez. As I said before, I was behind Dominguez and Macedonio Ramirez was behind me. I could hear the soldiers were talking. I then came around the corner and looked about, but I did not see anybody. I then saw the lieutenant police, Dominguez, cross the alley and Macedonio and myself coming right behind. After the lieutenant policeman, Dominguez, had gone across I could see the flashes of the guns giving the reflection on the glass windows of the opposite building. And then I saw the lieutenant police, Dominguez, go in a walk on his horse crossing the alley, when I then heard a soldier say: "There he goes." I then backed a little, but I could never see Macedonio Ramirez after that. I was trying all the time to find out where he had gone. When the soldiers came out of the alley they turned their guns and fired. There must have been three or four of them. Then about three more came out at the corner of Bolack's house out into the street and fired on Dominguez. After that I backed and fired my pistol at them, and then they fired on me. At that time I turned toward the Sahualla's store, Washington street, and saw that they were about seven or eight soldiers, armed with rifles, going in the middle of the street, and I then took said Washington street, hiding and walking in the dark, taking behind the trees that are on the sidewalk, and then they fired another volley. When I got near a big nogul (walnut) tree they recognized me, and they fired again at me, but I kept backing and backing every time until I got to the corner of Sahualla's store, but I kept in the shadow all the time, taking the sidewalk of Nicolas Lopez's store, then turned around toward Miguel Fernandez's store, when at that time I heard some one speaking, who asked me what it was, and I looked over my head and saw it was somebody, and I then told him that the soldiers had broken out of the post, firing upon the police force. I then went up to the corner of the First National Bank, turned there, and went toward the Merchants' National Bank and got behind a thick post—the thickest one that was around there. I then heard that some one was knocking at the door of McDonald's store and went in that direction and asked him, "Who is that?" And he replied, "It's the mayor, Federico Combe," and we then walked up the street toward the Merchants' National Bank, and I then told him that the soldiers had broken out of the garrison, and perhaps Lieutenant Police Ygnacio Dominguez was hurt, as I had left him some few moments before. I did not know where he was. We then came in the same direction of the street. By that time people were congregating on the street near Tillman's saloon, and somebody said there is a dead man in there. Then the mayor went in and told me to keep guard at the door and not to let anyone pass unless he was a peace officer. I then said, "Two more policemen are missing, José Coronado and Florencio Briseño." Both of them were not there. Yes, sir; I know they were soldiers, because they were in their uniforms. This talking I heard near the alley of Bolack's was just opposite the door of Bolack's, the big entrance door, about the third door from the alley corner, I think. Yes; I heard voices say, "There he goes; shoot him." Then it was when they fired on Lieutenant Police Dominguez. That is all.

That, as I will print it in the RECORD, is from the testimony taken before the committee of which Capt. William Kelly was chairman.

Now let us see if there is any testimony of the negro soldiers themselves that will throw light upon this question. Artificer George Newton, Company D, Twenty-fifth Infantry, testified before Lieutenant-Colonel Lovering:

ARTIFICER GEORGE NEWTON, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in my bed asleep, in quarters; in barracks.

Q. Anybody in Brownsville ever abuse you?—A. No, sir.

Q. Have you ever been in a saloon in Brownsville?—A. I went in a Mexican's place there.

Q. Ever in a white man's saloon?—A. The first night I got there I was in one, the name of Mr. Taylor, I believe; some of the Twenty-sixth fellows carried me in there and gave me a glass of beer.

Q. White men in the saloon?—A. Yes, sir. He invited us back. I never had opportunity; was a carpenter.

Q. Did they have a separate bar for colored men in the saloon?—A. Yes, sir.

Q. Did you object to that?—A. No, sir.

Q. How long have you been in the service?—A. When I complete this enlistment I will be started on my tenth year. There was nothing said about these three fellows of the Twenty-sixth taking me in and giving me a drink. The gentleman took me out to a place where he was going to open a restaurant for our boys—for colored men.

Q. Did you object to that?—A. No, sir; because in place where I was raised they have them that way; kind of garden like in rear of building.

Q. Did you ever talk with any of the men on the subject of having a separate bar?—A. No, sir; I did not have but a very little said to me anyway. Went to a drug store to get some pills, I believe it was, and to get some writing-paper tablet.

Did the white soldiers of the Twenty-sixth Infantry, displaced by the negroes, at Fort Brown, believe there was any trouble brewing on account of sending this particular battalion of troops to Brownsville? Here is the testimony of one of the soldiers, the artificer, Newton, who continues in his testimony:

Wanted to know where we were from, and I told him; he said, "You boys is the nicest set of boys I ever met. We have learned from the boys of the Twenty-sixth that you were going to be awfully rough here. You are the nicest set of fellows I ever met."

Q. Did you buy anything at this drug store?—A. I bought some pills and a tablet, I believe it was.

Q. Did they object to selling to you?—A. No, sir. The first drug store I went to I walked in, and nobody said anything to me. Some gentlemen in there talking. I stood around for a few minutes; nobody said anything; didn't ask me what I wanted or anything, so I walked out. They didn't say anything to me nor did I to them.

That is the statement from one of the soldiers that it had been reported by the "boys of the Twenty-sixth," a white regiment, that the men of this battalion would be pretty rough at Brownsville. The soldiers of the Twenty-fifth Infantry had been pretty rough elsewhere, as you will remember, at Fort Bliss in Texas and at some place in Nebraska.

Here is the testimony of Jacob Frazier, first sergeant Company D, Twenty-fifth Infantry. Does he believe that negro soldiers committed this offense? I think so. I will read a paragraph from his affidavit taken before Captain Lyon:

FORT BROWN, State of Texas, ss:

Personally appeared before me, the undersigned authority, one Jacob Frazier, a first sergeant of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"About 12 o'clock midnight, August 13, 1906, I was asleep in my house, which is situated about 100 yards east of the east set of soldiers' quarters. I was awakened by two shots being fired from the road in rear of B Company quarters, as near as I can judge. My first impression was that it was the alarm of fire. I immediately got on some clothes and started to run for the company. Then a fusilade of shots was fired from along this road, and the call to arms was sounded. When I was passing in front of Company C quarters I distinctly heard some one shout 'Cease firing,' several times, and it seemed to come from the road in rear of barracks. When the fusilade of shots started and the call went, I thought the post was being shot up by the civilians of Brownsville. When I reached barracks the men were coming out with their guns, and I fell in the company and checked them, using a lantern. Two men were absent on pass, Corpl. C. H. Hawkins and Private Walter Johnson. When the company was formed Captain Lyon took command and took up a position along the wall in rear of the barracks. Then we patrolled through town and returned to the post. I do not know who did the firing. I would not believe that the soldiers had anything to do with it until I was told that Government ammunition was found the next morning. I do not believe that any member of D Company was implicated in the affair. I know of nothing that could have caused or that would warrant this firing.

"JACOB FRAZIER,

"First Sergeant Company D, Twenty-fifth Infantry."

Subscribed and sworn to before me at Fort Brown, Tex., this 21st day of August, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

Here is the testimony of the cook of Company D, by name Charles Dade. What does he say?

FORT BROWN, State of Texas, ss:

Personally appeared before me, the undersigned authority, one Charles Dade, a cook of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"About 12 o'clock midnight August 13, 1906, I was asleep in a house which I had rented for my wife and family, situated directly across the street from the kitchen door of barracks. I was awakened by my wife, who said there was some firing going on outside. I went out and saw there was no shooting near my house, so brought my family across the road to barracks. Just as I reached the wall in rear of barracks the call 'to arms' was sounded. The firing continued while I was crossing the road and after I had crossed. I did not see any flashes from guns, nor do I know what kind of firearm was being used. There was no firing in the road in rear of D Company quarters; it came from the vicinity of the post gate and the telegraph office, it seemed to me. After I had reached barracks I remained in the kitchen. I do not know who did the firing, nor do I know what could have caused it.

"Further deponent saith not.

CHARLES DADE,

"Cook, Company D, Twenty-fifth Infantry."

Subscribed and sworn to before me at Fort Reno, Okla., this 4th day of September, 1906.

SAMUEL P. LYON,

Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

I next call attention to what Colonel Lovering, of the In-

spector-General's office, born in Vermont and appointed from New Hampshire, says that Cook Dade's testimony shows:

Cook Dade's affidavit shows that a man could have taken part in the shooting and returned to his company undetected.

Mr. President, what do the Army officers say who investigated this question? I said at the outset that every Army officer who had investigated it—I do not care whether he is from Georgia or South Carolina or Ohio or Vermont or New Hampshire—reports to the President upon his honor as a soldier that there is no reasonable doubt of the guilt of these soldiers. Here is Major Penrose, who commanded the battalion, from Dakota, I believe. He says:

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand.

The next day Major Penrose telegraphed to The Military Secretary at Washington.

BROWNSVILLE, TEX., August 16, 1906.

THE MILITARY SECRETARY,
War Department, Washington, D. C.:

Reference your telegram yesterday, a shooting occurred in Brownsville about 12:10 morning of 14th, in which one civilian was killed and the chief of police wounded in right arm, which had to be amputated. Believe shooting was done by enlisted men of this post, but have not as yet been able to detect guilty party.

Here is an extract from the report of Major Blocksom, which I will not stop to read, because I dare say Senators are familiar with it, but I will print what he says upon the subject:

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, nine to fifteen, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch. A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.

Mr. Randall lives near the telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of D, B, and C Companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operations (about three blocks in length).

The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp sitting on a table. Mrs. Cowan has been on the verge of hysterics ever since. It is said the Cowan children had made fun of "the nigger soldiers;" but I could not pin down the reports. There must be some truth in them. The lieutenant of police, Dominguez, heard the firing and rode toward it, accompanied by two policemen. Near the corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about fifteen colored soldiers in the party. He was mounted on a white horse, and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterwards amputated below the elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley. Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block), heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Preciado by name, was slightly wounded in the hand by a bullet which passed through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through that back door. This party tried to get into the back door of another saloon, but it was closed.

The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Stark's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Stark's house are higher than in Cowan's. Mrs. Stark said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.

None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. Shattered bullets, shells, and clips found are merely corroborative.

Though Senators have read the report, I wish to read just here the basis of Major Blocksom's report in this case:

I examined privately the five officers present when trouble occurred (Major Penrose, Captains Lyon and Macklin, Lieutenants Grier and Lawrason, all of Twenty-fifth Infantry), all men who made affidavits, etc., A" to F" (as well as post noncommissioned staff, a number of

old noncommissioned officers in each company, etc.), all important witnesses in A'' to B'', Mayor Combe, Mr. Dominguez, Mr. and Mrs. Evans, etc. I interviewed nearly all prominent officials—Federal, State, and county—saloon keepers, and other citizens of all classes. I examined the houses, interviewing inmates, of Messrs. Cowen, Randall, Starck, and Yturria, observing where shots entered and left; also saloon where bartender was killed and a number of other buildings having bullet marks.

What does General Garlington, Inspector-General of the Army, say?

It has been established, by careful investigation, beyond reasonable doubt that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown.

The General Staff of the Army, in a paper prepared by Gen. Thomas H. Barry, takes the position that the soldiers committed this offense, and recommends that a court-martial shall try Major Penrose and Captain Macklin for neglect of duty in allowing it to be done.

Now, what about Captain Macklin? You will remember, at least, some Senators who have read the testimony will, that Macklin commands C Company, and that with one exception all of the men who had trouble with the citizens of Brownsville belonged to that company. What does Macklin think about it? Does he think the people of Brownsville committed the outrage? Does he believe that there was an organized riot in Brownsville by which women and children might be killed in order to secure the removal of the troops from that place? He does not believe it. Macklin has not made a report on this subject, so far as I am advised, but here is a statement by Gilchrist Stewart as to what Macklin thinks:

Captain Macklin [is] the only officer whom I found so intensely confident that the men knew about it and that the soldiers did the firing.

He is not only confident, but intensely so.

There has been a great deal said about a roll call after the shooting. Let us see about it. Here is the testimony of Captain Lyon, of the Twenty-fifth Infantry. He says:

The first sergeant with a lantern, and myself, went down the line and saw that every man was present—that is, that a man answered the name of every man.

The idea of testing the presence of conspirators by such a method as that, testing the presence of men who had committed a crime diabolical and inhuman; whether or not they would get somebody in the ranks to answer for them. That is Company D.

What does Lieutenant Grier, who commanded Company C that night and ordered the roll call of that company, say?

LIEUT. HARRY S. GRIER, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when the shooting commenced at Brownsville?—A. Asleep in my quarters.

Q. On what duty were you?—A. Post quartermaster and commissary; also acting post adjutant.

Q. Who were the first enlisted men that you saw?—A. Sergeant Harley, acting first sergeant Company C.

Q. Was this before the firing ceased or after?—A. Before the firing ceased.

Q. Do you remember any other particular name that you saw before the firing ceased?—A. No, sir; by the time I got over to the barracks the firing stopped. I met Sergeant Harley on the brick walk coming from the men's barracks to the officers' line about three-quarters of the way across the parade ground to the officers' line; that is, near the officers' line. I halted him, not knowing who it was (firing was still going on), and inquired who was there. Replied, "Sergeant Harley." I said, "Sergeant, what is the trouble over there?" He said, "The men say somebody in town is shooting up the barracks." I said to him, "If that is the case, what are you doing over here?" He said, "I am going to get the captain."

So here is Company C, in which were all the men but one who had trouble with the people of Brownsville, answering a roll call, such as it was, after the firing had ceased in the town.

There is something more about a roll call. I read from a paper filed in this case by Major Blocksom, dated December 6, 1906. He says:

Major Penrose says he thought the firing had all ceased when the rolls were called. (See p. 1 [94], sworn testimony, Colonel Lovering's report.) Captain Lyon's testimony plainly shows that the main shooting was over when rolls were called and that scattering shots afterwards came from frightened people in town shooting out of their windows. (See p. 3 [96], same sworn testimony.) Lieutenant Grier's statements (pp. 5 and 6 [p. 97], same testimony) and Acting First Sergeant Harley's (pp. 6 and 7 [p. 98]) plainly show that firing had entirely ceased before roll of C Company was called, and that the roll call itself was not at all accurate.

Not only that, but I want to ask if all the men, according to the roll call even, were accounted for. Major Blocksom also says in the paper referred to:

By consulting the list of men absent from company quarters (p. 2 [93] of Colonel Lovering's report) and the sworn testimony of the men themselves (on pages indicated), it will be seen that the following were absent from roll calls that night: Three in Brownsville on pass, one in Brownsville presumably without a pass, and from eight to ten at quartermaster corral, bakery, officers' quarters, and quarters in town—twelve to fourteen in all.

This is about as many men as some of the witnesses say engaged in this infamous assault upon the people of Brownsville.

Mr. President, what was done, in the next place, to verify the number of rifles that were there after the shooting? What was done to discover whether those rifles had been freshly discharged? This assault occurred at 12 o'clock on the night of the 13th. Let us see what precautions were taken:

Major Blocksom further says:

No rifles were examined for cleanliness before morning. (See Major Penrose's letter B, my report.)

Let us go further into reports that have been made upon this affair.

The consul of the United States at Matamoras, Mexico, has written a letter to the President, which is in this record, and from it I propose to read a paragraph:

Shots were also fired directly from the second story of the soldiers' quarters into the houses, facts substantiated beyond doubt by the character of the bullet holes and the angle of penetration. Mr. Cowen's house, referred to in the report, is not over 100 yards from the barracks, and all of the shooting—and it has been estimated that from 100 to 150 shots were fired—occurred within 250 yards of the garrison.

In this letter I want to call your attention to a few facts, not prominently developed in anything I have read, which show, almost conclusively, preconceived, concerted, and deliberate design and preparation on the part of every noncommissioned officer and enlisted man who was in the garrison at that time a malicious plot and agreement, which they happened to be able to carry out. Having been intimately associated with several Army officers who have been stationed here within the last few years, I am acquainted with the usual routines of garrison duty, as well as the geography of Fort Brown. The method of caring for arms is as follows: The noncommissioned officer in charge of quarters is in charge of the keys of the gun racks. No rifle can be taken out without his permission and his tour of duty is twenty-four hours. * * * The first shots were fired from the upper porch of the barracks to the left of the entrance to the post, proven by the facts as stated above, and further substantiated by the testimony of several civilians.

The Attorney-General of the United States sent the assistant United States district attorney to Brownsville to look into this matter. What does he say?

The city of Brownsville, without doubt, has suffered a terrible and unreasonable attack by soldiers, who should have acted just the opposite in affording them protection, and they are righteously indignant.

Mr. President, I will now read an extract from an affidavit of Wilbur F. Dennett, which was sent to me recently, made on the 10th day of December, 1906. I will print it in full in the RECORD, but I wish to read a paragraph:

The State of Texas, County of Cameron:

Wilbur F. Dennett came before me personally, and, being by me first duly sworn, on his oath deposes and says that on the night of August 13, 1906, I was awakened by firing of guns, and I remarked to my wife that the soldiers were firing on the town from the upstairs gallery of the barracks. I live on the corner of Fourteenth and Adams streets, one block from the garrison. As soon as I got up I looked at my watch, and by my time it was 11:50 p. m. The firing was almost continuous, and was from twelve to fifteen minutes in duration. There were three bugle calls during the firing, but am not familiar with them and do not know which calls they were. The first bugle call was close after the firing had begun, then in a few minutes another one, then still another one some minutes later. There was firing for at least a minute or two after the last bugle call. I did not go out after the firing ceased. The next morning, August 14, a mass meeting of the people of Brownsville was held in the United States court-house; a committee was appointed to investigate the outrage. After the meeting, we, the committee, immediately with our mayor, Dr. F. J. Combe, and Capt. William Kelly, our chairman, proceeded to the Administration building, in Fort Brown, and met the commanding officer, Major Penrose, and two of his officers. Major Penrose stated that he had believed the firing had been from the town on the garrison when the mayor, Doctor Combe, had first interviewed him last night after the firing, but that this morning Doctor Combe had visited him again, and in the face of the evidence he (Doctor Combe) had shown him—shells, unexploded cartridges, clips, etc., which had been picked up in the streets and alleys of Brownsville and turned over to the mayor as evidence—he (Major Penrose) was convinced his negro soldiers had attacked Brownsville the night before. Our chairman, Mr. Kelly, asked him the question, "If he had made a personal examination of the barracks to see if there were any bullet holes in them from the town side?" He said "he had, and had found no evidence at all of shots having been fired at the barracks from the town side." "There was," he said, "only one broken pane of glass, and that looked as if it was broken by a piece of brick." After other questions had been asked Mr. Penrose, I asked him "if he had made a personal examination of the barracks and arms, etc., immediately after the firing last night." He replied, "No; I could not be everywhere." I then asked him "if personal examinations of the troops, arms, and barracks had been made last night by any of his commissioned officers." He referred the question to the two officers present, and they each replied that "they had not personally made such examination." I then asked him if his knowledge of what had transpired last night had not been entirely obtained from what was told him by noncommissioned officers and privates of his command. He replied, "Yes," and then again told us of how much he deplored the occurrence, and that he would sooner have lost his right arm than have had it happen, and promised us that he would use his best efforts to discover who the guilty men were. Afterwards I was present at most of the meetings of the committee and at the examination of most of the witnesses, and the examiner was always careful to ask the question if the witness had seen any shots fired toward the garrison, and the reply was always the witness had seen no shots fired toward the garrison. The night was obscure; the moon did not rise till toward morning; the town is poorly lighted with coal-oil lamps, but the alley between Elizabeth and Washington streets, up which the soldiers marched until

they arrived at the Miller Hotel—two blocks—is not lighted at all, and nobody was very anxious to look and find out the color of the men behind the guns, except a few who observed from places of security; but the guns used were the Springfield 1906 pattern, as proved by the empty shells, cartridges unexploded, bullets taken from bullet holes, and other evidence picked up by the police and others in the streets and alleys of Brownsville and turned over to the proper authorities as evidence. I will state that there was no prejudice, so far as I know, against the negro soldier by the people of Brownsville; that during my forty years' residence in this city negro soldiers had often been stationed here before, and from conversation with business people here they were preferred as more beneficial to the general trade of the town than the white soldiers; but from the time this battalion of the Twenty-fifth Infantry came here it was generally remarked by our town people how sullen, poorly dressed, slouchy, and generally showing very poor discipline. The men came out in town dirty, in their shirt sleeves, without blouses, and were generally the furthest removed from my conception of a soldier than I had ever seen, either in the Volunteer or Regular Army. I will state I have been, in politics, a lifelong Republican, and it was certainly a new experience for me to have to help defend our town from United States soldiers for more than a week until aid came from elsewhere, and that I slept at night, until the negro troops were gone, with loaded rifle and other arms at hand.

WILBUR F. DENNETT.

Sworn to and subscribed by Wilbur F. Dennett before me this the 10th day of December, A. D. 1906.

JNO. BARTLETT,
County Judge of Cameron County, Tex.

Mr. President, it has been suggested, and I believe the suggestion comes from a member of another body—from Ohio—that the fact that the grand jury of Cameron County, of which Brownsville is the county seat, found no indictment against these soldiers is evidence that the jury believed they were not guilty. I have here the charge of the district judge to the grand jury on this subject, which I will print in the RECORD, stopping only long enough now to say that he assumed, from a previous investigation, that the troops were the guilty parties, and he contented himself with urging the grand jury not to find bills against individuals from malice and vindictiveness, but only where the proof would warrant conviction of individuals by a trial jury.

Mr. President, instead of this grand jury incident showing that the soldiers were guiltless, it not only establishes that in the opinion of the jury and the district judge they were guilty, but it is an additional tribute to the fairness, to the justice, and to the forbearance of the people of Brownville under extraordinary provocation.

If they had been vindictive, if their hearts were filled with hate, they could have returned bills of indictment and probably convicted some men, if they sought to do so in such a manner as that. But they did not, and instead of being held up to the country as assassins it is an additional evidence of their self-restraint and remarkable forbearance.

But I go further. The testimony before the grand jury (and there was much of it) was taken in writing, sworn to, and signed by the witnesses for perpetuation. The same objection to it, therefore, can not be urged as has been urged to the testimony taken before the citizens' committee, and I will read two or three extracts from the testimony of witnesses before the grand jury. While I will only read extracts, I will print in the RECORD the whole testimony of each witness referred to. It seems there was an honest negro down there in that town to begin with. Here is what he says:

GRAND JURY ROOM, September 11, 1906.

William Henry, being duly sworn according to law, deposes and says: I live in Brownsville, Tex. I am working for Mr. McDevitt. On Saturday night before the shooting I was at saloon near the garrison fence, talking with several colored soldiers, who were there. I paid for my own beer; one of the soldiers treated me once. I heard the soldiers talking about getting even with a saloon uptown, and some man who had knocked a soldier down. I could not hear all they said, but I knew there was something wrong at the barroom. One of the men was Sergt. George Jackson, of Company B. He is the man who jumped the wire fence that evening while I was there and came to the barroom. If I am not mistaken, Corporal Madison was behind the bar, but I am not quite sure. Allison was behind the bar every time I went there. When they opened the barroom it was the day the soldiers had been paid off, and there was a big crowd both inside and outside the bar. Jackson is a great big black nigger; he is so black I call myself a white man alongside of him. He was one of the men who were cussing in the barroom. I could not make out right what they were saying, but I knew they were up to something. The man who told me to get out, they did not want any spy around there, was Allison, who is now in jail. This was after the shooting.

WM. HENRY.

Sworn to and subscribed before me this 17th day of September, 1906.
WM. VOLZ, Foreman Grand Jury.

GRAND JURY ROOM, September 8, 1906.

Jose Martinez, being duly sworn, says:

My name is Jose Martinez. I live in a cottage of Mr. Randalls' at corner of alley back of F. Yturria's, in front of garrison wall. I was at home on night of August 13, 1906, the night of shooting. I was awake when shooting began, reading in front of door on garrison side. I first heard about five or six shots at once inside of garrison, between wall and quarters, right opposite my door. Then in about two or three minutes I heard men jumping wall into the street. They gathered in front of my door, and most of them, about twenty, came up alley; the others

may have gone toward Elizabeth street. I next saw the men in alley, opposite gate of my yard, next door to Cowen's. They had rifles in their hands. They started up alley shooting right along. I fell on the floor and did not go out. I heard them talking English. I know they were negro soldiers. I saw them and their uniforms. I could not hear what they said. There were about twenty in party going toward town, up by Cowen's. I do not know where the balance of party who jumped wall went. I think about thirty jumped wall.

JOSE MARTINEZ.

Subscribed and sworn to before me this September 8, 1906.

WM. VOLZ, Foreman Grand Jury.

Now, here is the testimony of this same witness, George W. Randall, who testified before the citizens' committee. I want to call particular attention to one paragraph in his testimony before the grand jury when he talks about a shot going through his house. He says:

GRAND JURY ROOM, September 6, 1906.

G. W. Randall, being duly sworn, says:

My name is G. W. Randall. I live over the Western Union Telegraph office in block 61, city of Brownsville, on the right hand coming out of garrison gate. House is about 34 feet from garrison gate. I was at home on night of August 13, 1906. I was awakened by the shooting. There were two shots fired before I got up and looked out of window. I judge they were pistol shots. The men I saw moving were inside of garrison wall, and the only shots that I saw as they left the weapons were pointed nearly up. It led me to believe that it was an alarm of fire. Firing continued, and I looked from one window and then another, looking for light from fire; seeing no light I went to front window looking over garrison gate, and I saw the men moving and heard some low talking, but could not distinguish what was said until one man spoke in a louder voice than they had been using, saying, "Now we go," or "Here we go," and they came over the fence, passed over the wall, about abreast of the place between my place and Yturria's. Then the shooting was up that alley toward Louis Cowen's house. After the reports got up the street pretty well there were two shots right in front of my house. Those were rifle shots. One of them came from Elizabeth street side near corner of my house, went about 2 feet over my head and through the ceiling and out through the house. From the direction in which shot came and the course it took indicate that it was fired from the upper gallery at lower or river end of quarters nearest river. The reason I think so is because the ball took an almost direct course. My home is a two-story one, and the bullet entered about 28 feet from ground and came out about 6 inches above where it entered after passing through a room 20 feet wide. The first men I saw were inside garrison between wall and middle quarters and going up toward alley between Yturria and my house. I think there were fifteen or twenty shots before the first bugle call. There were no men in sight. Everything was over before the assembly call was made and the officer came. As soon as the assembly call was made the men came right downstairs. I could hear the noise of their boots.

GEORGE W. RANDALL.

Sworn to and subscribed before me this 6th day of September, 1906.

WM. VOLZ, Foreman Grand Jury.

Here is the testimony of this poor fellow, M. Y. Dominguez, who had his arm shot off. We have not had this testimony before. Let me read it:

GRAND JURY ROOM, September 21, 1906.

M. Y. Dominguez, being duly sworn according to law, deposes and says:

I live in Brownsville, Tex. I am lieutenant of police.

On Monday, the 13th of August, at about eight minutes before midnight, I was at the market, when I heard shots in the direction of the lower end of Washington street. I rode down Washington street, when I got to the corner of Dona Rosa Pecina I heard the shots in the alley near Louie Cowen's house. A moment later the soldiers approached the crossing of the alley of Fourteenth street. Then I turned back up Washington street, a few yards from the corner of Pecina. I dismounted and tightened the girth of my horse; mounted again and went to the lamp post at Bollack's corner. From there I rode up on Thirteenth street to the crossing of the alley back of Miller's Hotel. When I got near Miller's Hotel I saw two files of soldiers coming in the alley, one on the hotel side and one on Bollack's side, and one of them said: "Give 'em hell!" Then I cried out: "People, wake up, here are the negro soldiers." Then they fired a volley. I did not get hurt that time and kept on at a trot toward Elizabeth street. Then they came out of the alley and turned. One fled along the wall of Miller's Hotel and the other along the walk of Wells's office, and kept firing in the direction I was going. When I tried to turn up Elizabeth street I received a shot in my right arm and my horse staggered down. The horse fell on top of my left leg and then another volley came. The soldiers at this time were about 10 yards from the corner of the alley of Miller's Hotel. I got out from under the horse and saw the soldiers turn back to the alley. It was so dark that I could not recognize any of the soldiers, but I know that they were negro soldiers, both by their clothing and their voices. When I got out from under my horse I made my way, the best I could, to Putegnat's drug store. The shot splintered my right arm so that it had to be amputated. I saw plainly that they were soldiers when I was at the Pecina corner. While on my way to the drug store, when I was in front of Crisell's, I heard the shots in the alley back of the Ruby Saloon.

M. Y. DOMINGUEZ.

Sworn to and subscribed before me this 21st day of September, 1906.

WM. VOLZ, Foreman Grand Jury.

Here is a man named Herbert Elkins who testified. I do not know him, but he is doubtless a good man. Let us see what he says:

GRAND JURY ROOM, September 12, 1906.

Herbert Elkins, being sworn, says:

My name is Herbert Elkins. On the night of August 13, 1906, I was in my room, but awoke when the shooting began. My room is room nearest alley, in second story Leahy Hotel, and immediately opposite Louis Cowen's house, on side street, I think Fourteenth. First shooting seemed to come from the garrison wall, just inside or outside, at Cowen alley. There were about thirty or forty shots, more or less rapidly fired. It stopped for a few seconds and then began again. There were

more shots fired before they came up the alley. They came up the alley, and I saw them in alley just before they got to the corner of Fourteenth street and alley. They were running when they got to corner; two were in lead, about 25 feet ahead of main body; these two men gave the orders. When the two men got to corner one was a little ahead of the other, and he ran into a mudhole—muddy hole was about junction of alley and street. Shots were fired down alley before they got to corner. He jumped to corner back of Cowen's and got at door, and called to the other not to go there it was muddy, and to come over on that side. These two fired about three shots each toward the Cowen house. They both reloaded and fired toward Cowen's, again reloaded, started across Fourteenth and got nearly across on up alley, then stopped as if they didn't know what to do, and fired three or four more shots into Cowen's house. These two men then ran on up alley, and the others, about fifteen in number, not less than twelve, not more than twenty, followed them up alley toward Miller Hotel. They only fired about four or five shots after they left Cowen's and before they got to Miller's. After they got up the alley about Miller's and farther they fired a good many more shots. *I saw eight or ten soldiers run on back the way they came—i. e., down alley toward the wall.* This was a few minutes, not over four or five, but time enough for Mrs. Sealy to go on over and bring the Cowen family. I saw no firing by men on their way back. I heard the bugle calls just after the firing began, and before they came up alley. The first two calls were alike. A few seconds after I heard a different call, blown once; *I heard roll call and voices. This was about twenty minutes after the shooting. Men that I saw had gotten back about ten minutes before the men had gone down from the barracks to the roll call. The men had on khaki pants, leggings, and blue shirts (light blue summer shirts).* The two in front had on hats; the others were in a run, and I didn't notice if they had caps or hats. They were niggers. The two men in front were about 5 feet 6 inches in height, one a little heavier than the other. I saw the patrol come by, and on its way down, about one hour or one hour and one-half after the shooting. I saw no white men with them, but Dr. F. Combe was behind. They stopped in front of Suly's and talked. Doctor C. talked to Mrs. Sealy. The patrol stood there. As they came down by Knoklaski's office the rear part of the company made out to come on sidewalk, but followed head of column around the tree. Then they did come on sidewalk—i. e., part of them. One of the company, whom I took to be one of the two leaders in shooting at Cowen's house, the one who was warned not to get into the mud, said: "We'll kill the rest of the white sons-of-bitches to-morrow." Some were laughing and talking. They seemed not to pay much attention to the officers. Mrs. Sealy heard this. I think Doctor Combe had just left, going toward the post up toward the front of the company. Just a little after the first as the shooting began, and before the second shooting and before men left wall, I saw about two lights inside of quarters, second from river, and heard one or two men on downstairs porch toward town running. I saw one or two shots fired from upper story of second barracks from river, toward town generally.

HERBERT ELKINS.

Sworn to and subscribed before me this 12th day of September, 1906.

WM. VOLZ, Foreman Grand Jury.

There was much other testimony before the grand jury, showing, among other things, that shells and bullets and clips were picked up in the streets, but I will simply place it in the RECORD:

GRAND JURY ROOM, September 8, 1906.

Grenaro Padron, being duly sworn, says:

I am city policeman. On the night of August 13, 1906, when the shooting began, I was on the corner of Merchants' National Bank, with Florencio Biseno, Mike Jagan, and M. Alonso, Jr. I went down Elizabeth street and got pistol from Tillman, and went to Miller Hotel, on Thirteenth street, and on to Washington, and turned right down to Pecini's, corner of Washington and Fourteenth, and stood there. They were shooting then in alley at Cowen's. I saw them cross Fourteenth street from Cowen's to Lahay's. I saw the lieutenant of police coming down Washington on horseback. I met him and told him to get down, as he was a mark. He got down and tightened girth of horse. He remounted and we started up Washington, I ahead. On reaching Thirteenth met Macedonio Ramirez. We turned toward Elizabeth on Thirteenth. I told Dominguez not to try and cross alley, as soldiers were coming up alley shooting. Again I told him and grabbed his saddle. He paid no attention, but went ahead. I got in the dark near Huyntnes's and got in doorway, and I then jumped into street, when I saw three soldiers in alley throw down on Dominguez. They fired, then I fired a shot and then fired another, and then I ran to corner. When I ran they cried: "Here the two more." I looked out and saw five or six, not less, come in my direction. I then went up Washington in direction of Finks, hiding myself in shade of trees. When I got to the last tree they turned corner and fired in my direction. Again, when they saw me they fired. I ran to corner of Sahuallo, and again they shot at me. This was the time they fired on Starck's home. There were not less than five or six, and they kept advancing and shooting. I ran to Eleventh street.

GRANERO PADRON.

Subscribed and sworn to before me 8th of September, 1906.

WM. VOLZ, Foreman Grand Jury.

Among those soldiers there was one who had on a white shirt. The shirt was outside of his trousers. He had no hat on. I saw his bare head. Right behind the three who first came out alley at Miller Hotel corner there were several others, and he was one of them. He was a man of stout build, medium height; a little taller than I, more or less.

GRANERO PADRON.

Subscribed and sworn to before me September 8, 1906.

WM. VOLZ, Foreman Grand Jury.

GRAND JURY ROOM, September 8, 1906.

C. H. Thorn, being duly sworn, says:

My name is C. H. Thorn. I live in block 62, street 9, city of Brownsville. I was at home and awake when the shooting began on the night of August 13, 1906. My bedroom is downstairs at rear of house, about 30 or 40 feet from alley. I was in bed, but not asleep, heard firing, and it kept getting nearer; it came from direction of garrison, evidently coming up alley. I started to put on my slippers and heard reports in alley opposite my house, right outside of window. Heard them talking and breathing heavily. *I distinguished, very readily by their voices, that they were negroes, and one thing I remember, but not in exact words, it was either, "There he goes," or "There they go;" then another said twice, "Give 'em hell! Give 'em hell!*

God damn 'em!" in a lower voice and he fired. The others were already firing. All this time they were going on up alley. They went on by. The firing continued for about ten minutes up toward Twelfth street. I would think everything was over when I could hear more shots. These were also scattered shots, but I couldn't locate them. I found next morning that a bullet had gone through my privy and into the kitchen. It went through weatherboarding flat.

C. H. THORN.

Sworn and subscribed before me September 8, 1906.

WM. VOLZ, Foreman Grand Jury.

GRAND JURY ROOM, September 17, 1906.

F. E. Starck, being duly sworn according to law, deposes and says: I live in Brownsville, on Washington street. On the night of Monday, the 13th of August, about 12:30 I was awaked by a volley being fired into my house. The bullets went into my bedroom in my children's bedroom. I jumped up out of bed and grabbed some of the children and took them to the back end of the house. I then came back, got my Winchester, and went to the front windows. I saw a man running behind the big ash trees in front of Mr. Turk's residence, opposite my home. When I got a bead on him I saw his police badge and recognized him as Policeman Genaro Padron. Almost at the same moment I heard a shot fired in the direction of Mr. Porter's residence (Carson), and I presume this is the shot which hit Mr. Turk's house. I did not see any soldiers. The shooting still continued near Miller's Hotel, and I heard a volley fired in the alley back of Turk's residence. Next morning Mayor Combe and myself found some empty cartridge shells in front of my house. They belonged to new Springfield rifle which the Army now uses. We picked up about ten or twelve shells scattered in a space of about 10 feet.

F. E. STARCK.

Sworn to and subscribed before me this 17th day of September, 1906.

WM. VOLZ, Foreman Grand Jury.

Mr. Starck states that Post Blacksmith W. H. Sharpe told him that he had repaired three gun racks at the barracks of Company C, which had been broken with axes at the order of Major Penrose, as the man in charge of the key was running around the barracks and refused to give up the keys. This conversation took place at the quartermaster's corral.

F. E. STARCK.

Sworn to and subscribed before me this 17th day of September, 1906.

WM. VOLZ, Foreman Grand Jury.

GRAND JURY ROOM, September 18, 1906.

W. H. Sharpe, being duly sworn according to law, deposes and says: I live at Fort Brown. I am the post blacksmith. On the 14th of August, the day after the riot, I received verbal orders from the post quartermaster, Lieutenant Green, through Q. M. Sergt. Roland Allsby, to repair four gun racks, which were brought to my shop. These racks belonged to Company C, as I heard, but I do not know so from my own personal knowledge. The staples which held the lock had been pulled out, and I replaced them. The piece of iron on which the staples are riveted is 2 inches wide, and one-fourth of an inch in thickness; it would require considerable force to break the staples out of the iron. The upper part of the racks, which hold the pistols, showed marks (gashes) as if made with an ax, but the locks had not been disturbed.

W. H. SHARPE.

Sworn to and subscribed before me this 18th September, 1906.

WM. VOLZ, Foreman Grand Jury.

GRAND JURY ROOM, September 8, 1906.

F. J. Combe, being duly sworn, says:

My name is F. J. Combe. I am a practicing physician; also mayor of the city of Brownsville, Tex. About 12 o'clock on the night of August 13, 1906, I was awakened by what I thought were four or five pistol shots, immediately followed by several rifle shots, which my military experience made me think were fired by high-power rifles. I was sleeping on my cot on the back gallery of my home downstairs, on corner of Elizabeth and Ninth streets. I hardly had time to get out of cot when I heard another volley of shots fired. I got into my trousers, picked up my pistol, called to my brother, Doctor Joe, saying, "I'm going down to stop that firing," or words to that effect. I had hardly gotten out of my side door when I was joined by my brother, and we ran down Elizabeth street. When we arrived opposite Putney's pharmacy, I gave the signal for a policeman, and Gerard Padron, police officer, came running around the corner from Twelfth street, Merchants' National Bank. He was breathless and said to me, "Mr. Mayor, don't go down there, you will be shot;" and I told him, "Come on." But before we got to the corner I found blood stains on the sidewalk, and I said to Doctor Joe, "Follow these stains and find out who has been hurt." I went on down the street, as far as Crixell's saloon, in the middle of next block. By that time Doctor Joe returned and said, "Joe Dominguez is shot in the right arm." The chief of police then came up and told me that two policemen were missing. We went on down the street to look for them. It was then that Doctor Joe and I found Joe Dominguez's dead horse, opposite Mr. Wreford's office, corner Elizabeth and Thirteenth streets. I then started to go into the post, but was requested by my brother and the police officers not to do so. I said to Doctor Joe, "Go to 'central' and call up Major Penrose at Fort Brown and tell him I want to speak to him." He started off, but returned in a few minutes with Captain Lyon and about sixty negro soldiers of his battalion. Doctor Joe had halted them on Twelfth street between Elizabeth and alley. Some of Captain Lyon's men in the rear, seeing one or two of my officers with rifles, started to break and go towards them, saying "Captain, these men have guns." I ran back, calling out "Let those men alone; they are officers." Captain Lyon ordered them back into the ranks. The men did so in a surly manner. Doctor Joe and I then went into the post with Captain Lyon. I met Major Penrose at the gate, and said to him, "Major, your men have fired on the town, killed one citizen, seriously wounded a peace officer, killed his horse, and generally shot up the town." He said, "Doctor Combe, I hardly believe that. I am told, on the contrary, that the citizens have been shooting on the garrison." We talked for probably fifteen or twenty minutes, when Captain Macklin, officer of the day, walked up, saluted the commanding officer and said, "I report, sir"—that was about 1 o'clock a. m. Major Penrose said in reply, "Where have you been, Captain Macklin? We have been looking everywhere for you." "Sir, I was in my quarters asleep," replied Macklin. Major Penrose said, "I have sent two men to your quarters and they reported that you were not there." Captain Macklin replied, "Yes, sir; I was in my quarters asleep." Major Penrose then ordered Captain Macklin to take charge of his company. (I neglected to state that when I met Captain

Lyon in town. He asked me, "Doctor, have you seen Captain Macklin? I am looking for him, and we feel that he has been gotten away with in town." I answered, "I don't think so; if so, we would have known it by this time." I then said to Major Penrose, "I am going back into town, and I warn you not to allow any officer or man of your command to go into the city, as I will not be responsible for their lives." On arriving at Mr. Wells's office, Elizabeth and Thirteenth, I was met by some one who said, "There's a dead man in the Ruby saloon." I went to the saloon, and a short while afterwards Mr. Garito, the justice of the peace, came and requested me to examine the body. *I did so, and found that the dead man was Frank Dubois, and that he was shot through the body by a high-power rifle, from which wound he died almost instantly.* The body was lying in the courtyard of the Ruby saloon, near a cistern. I then went to corner of Miller Hotel alley, at the place where Lieutenant of Police Dominguez had told me he was fired upon, and while walking around there I stepped on some empty brass cartridge shells, which I picked up. Amongst them were the clip with two ball cartridges. These are in possession of the sheriff, for which I have his descriptive receipt. I first saw a soldier's cap in Wells's office a day or so afterwards. I understand Mr. Charlie Starck found it.

I was on the street nearly all night. At daybreak next morning I went to the scene of firing, and a bandoller, such as comes in the ammunition boxes, with an arsenal and issue number and date on it, was handed to me with some more empty shells by, I think, Mr. Houghton. I then went around on Washington street with Mr. Starck, who told me that his home had been fired on, and found quite a number of empty brass cartridge shells strewn along the street in front of his home. These shells were the regulation shells used by the Springfield rifle, now in use by the United States Army.

The first call, in my opinion, was sounded from three to five minutes after first shooting. I think it was "Call to arms."

FREDERICK J. COMBE, M. D.

Subscribed and sworn to before me this September 8, 1906.

WM. VOLZ, Foreman *Grand Jury.*

Now, Mr. President, remember that I am maintaining the single proposition just now that Federal soldiers and not citizens committed this crime at Brownsville. Against this testimony that they did so—the testimony of reputable and to a large degree disinterested witnesses, testimony which is clear, strong, direct, natural, and consistent with indisputable physical facts—what is there? Nothing save the alibi sworn to by all the accused, and their further testimony that not one of them know a single guilty party or has knowledge of any fact or circumstance indicating who the guilty are, which in itself, under the circumstances, is *some* evidence of concerted action on the part of the soldiers.

In addition, Mr. President, to the direct testimony, which I have hurriedly reviewed, the testimony of the soldiers to which I have just adverted is disproved or disbelieved by every official, civil or military, and every disinterested citizen from General Nettleton down, who has investigated the matter on the ground. It is disproved by the manifest want of malice and motive on the part of the citizens, and the existence of such malice and motive on the part of the soldiers. It is disproved by the fact that time enough elapsed after the shooting for the soldiers to return and answer the roll call, if, in truth, any satisfactory roll call was ever had. It is disproved by the fact that no immediate and satisfactory examination of the guns was had to determine whether all were there, or if there whether they had been freshly discharged. It is disproved by the direction of the firing, no bullets whatever having entered the garrison from any quarter. How well they protected themselves and their associates! It is disproved by the direction of the firing further, bullets having entered residences at such angles as to demonstrate that they were fired from the upper story of the garrison. It is disproved by the character of the bullets and shells and clips, being such as were uniformly used by the soldiers and not by citizens, rendering it utterly improbable, if not impossible, that other than soldiers could have committed this outrage.

In short, Mr. President, the testimony of the soldiers is unnatural, improbable, and inconsistent with facts which are admitted, or which are established by physical conditions incapable of distortion or falsehood.

It may be—probably it is true, Mr. President—that some of these soldiers did not actually participate as principals or as accessories either before or after the fact in this outrage, and it may be that some of them know of no fact or circumstance implicating the guilty parties. To the extent, sir, that may be true the discharge is a hardship; but from the necessity of the case, and as in the cases cited from the military records of General Grant and General Lee, it is a hardship which must be borne for the good of the service and the peace of communities where troops are stationed. Even this hardship will be mitigated, if not wholly removed, by the course suggested by the War Department—that all men of this battalion will be permitted to reenlist who absolutely purge themselves of guilt or guilty knowledge.

It may be, Mr. President, that the discussion of this matter on my part should rest here, but in a larger view other thoughts suggest themselves. From an early day in our national life and continuously since then the negro question has been the most dangerous problem that has confronted the American people.

In part, for more than half a century it bitterly estranged the sections of the Union and culminated in the destruction of the limbs or lives of nearly a million white men in the greatest civil conflict which the world has known. And that, too, Mr. President, when the condition of the black race, with its ages of slavery, its ignorance, its poverty, and its helplessness, excited, and now profoundly excites, the sympathy and compassion of the great body of white people in the South.

Notwithstanding all this, in spite of the past, with its conflicts and its sacrifices and its sorrows and its destruction of life and property, this problem is still the gravest with which we must deal. It involves labor, education, suffrage, social order, civil liberty, self-government, and the integrity of the white race. The end no man can see.

Southerners think deeply and profoundly of this race problem and its ultimate solution. Closing their eyes and looking down the ages different vistas rise. Sometimes the black race is deported. Sometimes the races continue to live here separately, as now, in comparative peace, one subordinate to the other. Sometimes they turn with unspeakable aversion from a blended and corrupted and inferior race. Sometimes there is war between the races—which may God avert—bloody, red-handed, vengeful war; war which seeks and can only end in the survival of the fittest.

In the midst of such awful possibilities human prophecy is idle, but we do know that the man or party who would create false hopes and add to the problem which will test the manhood, the patriotism, and the Christianity of the land deserves no place in the confidence or affections of the American people.

Speaking, Mr. President, in part for the people of Texas—and plainness of speech is best—it is not inappropriate to say that they have dealt fairly and generously with the negro in all essentials, in education, in charities, in helpful sympathies, and in the protection of life, liberty, and property. But I would not be candid with you if I did not say that in other respects their purposes are equally resolute and unalterable. They are opposed to political domination by the ignorant and the vicious; they are opposed to social equality with the negro, and they are opposed to every tendency which will ultimately be destructive of the purity and integrity of the white race. Above all this, however vital, there is that in the testimony in this case, and which to a degree underlies this trouble, which impels me to declare even in this great Chamber that they purpose to protect even with their lives what in their womankind "is the immediate jewel of her soul."

APPENDIX.

GRAND JURY.

[Judge Welch's charge on negro soldier outrage.]

And now, gentlemen of the grand jury, amongst the other responsibilities of your position is that of making a full, thorough, and complete investigation of the unprovoked, murderous midnight assault committed by the negro soldiers of the Twenty-fifth United States Infantry upon the citizens and homes of Brownsville on the night of the 13th of August. An inoffensive citizen was shot down and killed by them while closing his gate. An unwarranted and cowardly assault was made on the lieutenant of police of Brownsville and his arm shattered by their bullets, requiring its amputation. Fiendish malice and hate, showing hearts blacker than their skins, was evidenced by their firing of volley after volley from deadly rifles into and through the doors and windows of family residences, clearly with the brutish hope on their part of killing women and children, and thus make memorable their hatred of the white race. Hard words, these, but strictly true and warranted by uncontested facts.

It was my province to come amongst your patient people even while their terrible fears and horror of another outbreak were upon them, and God spare me in my life the sorrow of ever again witnessing the faces of agonized women and fear-stricken children, tensioned with days and nights of suffering and waiting for relief, with none coming from either nation or State to give them assurance that greater and unspeakable outrages were not to follow.

Tardy relief did come. At the eleventh hour the fiends who disgraced the uniforms they were permitted to wear and shamed a nation were removed. That all of the three companies were blamable must be conceded, for they knew who were guilty, and they shielded and sheltered them and failed to give them up. Hence it is that it has been left to the civil authorities of the State, and especially to this district court, to apprehend if possible those directly guilty of murder, assault to murder, and the ruffianly conspiracies to that end, as the authorities of the United States in charge have declared their inability to discover who were the uniformed thugs and murderers that committed the outrages.

You are the most important auxiliary of the court, its very right hand, and to you this matter must be relegated. I wish to say that the individuals against whom even the slightest evidence existed are under arrest and subject to such action as you, with due regard to your oaths and responsibility shall take. All the process and powers of this court, coextensive with the bounds of our State, are at your service to bring witnesses or other evidence before you, and you are to determine when a *prima facie* case of guilt is made and indict accordingly.

I know, gentlemen of the jury, that it takes a long time for blood to cool when it is raised to fever heat by such terrible outrages as your people have had to endure, but in this second test of their high moral courage you, as their special representatives, must be calm, wise, and just, and for the sake of the good name of your community you can not and must not indulge in a single thought of vengeance. You must present for trial before the courts of our State only those against whom

evidence is adduced sufficiently pertinent and strong to warrant conviction by a trial jury, and going beyond mere suspicion or even strong probability.

The lengthy investigation of a committee of your leading citizens, made while these outrages were fresh, is at your service. I also present to you three affidavits made before me by W. J. McDonald, captain of Company B of the ranger force of Texas, against twelve of the negro soldiers and one civilian, a negro exsoldier. All these parties are under arrest, and within the jurisdiction of the civil authorities of this State, and to await the action of our courts. Hence it is that if it has ever been known by committee, sheriff, State ranger, or other officer or individual who, if any, of these men are guilty, that knowledge should come to you, as the grand inquisitorial body that represents not only the county of Cameron, but the State of Texas. I have no hesitation in saying that I share in the universal belief that among those under arrest are many of the murderers, but something more than mere belief and opinion are required to vindicate the law. Evidence must be had upon which to predicate an indictment and warrant a trial. If you indict on mere suspicion or opinion and without evidence you leave our people and community open to the charge of injustice, and the proceedings will resolve themselves into mere delay, for in the end an indictment unsustained by evidence must be dismissed.

I am glad to state that our small criminal docket will give you opportunity to have with you in your investigation the counsel and experience of the district attorney. He has good red blood in his veins, and plenty of it, and will bring to your aid in serving the best interests of our people an integrity of purpose that can not be successfully impeached by any man. He is your legal adviser, but you are the keepers of your own consciences.

Remember that in the grave responsibility that comes to you, collectively and individually, your acts will be photographed to the nation, that through its press it has approved your high moral courage and patience and condemns the outrages on your people.

Do nothing to forfeit their righteous verdict of your worth.

[Official copy.]

HEADQUARTERS THIRTEENTH ARMY CORPS,
DEPARTMENT OF THE TENNESSEE,
La Grange, Tenn., November 16, 1862.

SPECIAL FIELD ORDER No. 6.

Until further orders no passes will be granted to any civilian to pass south of Wolf River, nor will any civilian be permitted to come within our lines from south of said river.

All passes heretofore granted inconsistent with this order are hereby revoked.

II. The facts having been officially reported to the major-general commanding that a portion of the Twentieth Regiment Illinois Infantry Volunteers did on the night of the 7th of November instant, at Jackson, Tenn., break into the store of G. W. Graham & Co., and take therefrom goods to the amount of \$841.40, the property of said Graham and Co., and did cut the tent of R. B. Kent and N. A. Bass and take therefrom goods to the value of \$345, the property of said Kent and Bass, and burn and destroy the tent and poles, also the property of said Kent and Bass, of the value of \$56.25, all of which damages amount to the sum of \$1,242.66, and it further appearing from said report that Capt. C. L. Page, Company D; Capt. I. M. North, Company E; Capt. G. W. Kennard, Company I; Lieuts. Harry King, Company B; William Seers, Company C; John Edmonston, Company E; David Wadsworth, Company I; L. Bailey, Company F; Victor H. Stevens, Company H; R. M. Evans, Company I; Charles Taylor, Company I, of said regiment, were absent from their commands at the time of the perpetration of these outrages, and without proper cause, when they should have been present, and also that Capt. Orton Frisbie, of Company H, acting in capacity of major, and Capt. John Tunison, of Company G, the senior captain, immediately after the commission of these depredations did not exercise their authority to ferret out the men guilty of the offenses, but that on the contrary Captain Tunison interposed to prevent search and discovery of the parties really guilty, and that Captain Frisbie, after the commission of the said depredations, being in command of the regiment, remained behind twenty-four hours after the regiment marched, and the names of the individual parties guilty not having been disclosed, it is therefore ordered:

I. That the said sum of \$1,242.66 be assessed against said regiment and the officers hereinbefore named, excepting such enlisted men as were at the time sick in hospital or absent with proper authority; that the same be charged against them on the proper muster and pay rolls and the amount each is to pay noted opposite his name thereon, the officers to be assessed pro rata with the men on the amount of their pay proper and that the same so collected will be paid by the commanding officer of the regiment to the parties entitled to the same.

II. That Capt. Orton Frisbie and Capt. John Tunison, of the Twentieth Regiment Illinois Volunteer Infantry, for willful neglect of duty and violation of orders, are hereby mustered out of the service of the United States, to take effect this day.

By order of Brig. Gen. U. S. Grant.

[SEAL.]

JNO. A. RAWLINS,
Assistant Adjutant-General.

[The Charlotte Observer, November 29, 1906.]

PRECEDENT FOR PRESIDENT'S ACTION.

The Observer takes great pleasure in presenting below conclusive evidence that President Roosevelt's order disbanding three colored companies for an offense by some of their number is not, as has been claimed, without precedent in the military history of this country. It will be universally admitted that no higher authority than General Lee's on what is right and just in military discipline could possibly be offered. As for the authenticity of the evidence, all North Carolina will vouch in the most absolute manner for the truth of any statement sponsored by Colonel Burgwyn. And as Colonel Burgwyn says, the name of the command can be given if desired. His communication and the appended military order follows:

"I see it stated that President Roosevelt's order disbanding a battalion of colored troops is without precedent in the military history of this country. There are those now living who read the following order on dress parade and witnessed its execution. I omit the name of the command, but it can be given if desired:

"HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
"October 1, 1862.

"General Order No. —.

"The — Battalion, for cowardly conduct on every battlefield from Gettysburg to the present time, is unworthy of a place as an organization in the Army of Northern Virginia. It will be marched

to division headquarters Wednesday afternoon, at 4 o'clock, and surrender its colors and be marched to the rear in disgrace. The general commanding the Army of Northern Virginia regrets that there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers.

"By command of

GEN. R. E. LEE.

"Yours, truly,

W. M. H. S. BURGWYN.

WELDON, N. C., November 26.

It is here explicitly stated that "there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers." In this case, as in the Brownsville affair, the offense was very grave, and the "good of the service" required that the innocent suffer disgrace with the guilty, since separation was impossible. That one offense occurred in time of war and the other in time of peace makes not the least difference in principle. The un-soldierly conduct punished by General Lee could not have occurred at all in time of peace, and the riot at Brownsville could not have given a tenth of the scandal had it occurred in time of war—to each its own guilt, but each equally meriting punishment.

The Observer has always earnestly and at times vehemently insisted upon equal and exact rights before the law for the colored man. Any injustice to him by the dominant race is hateful to it. But no more than the white man is he entitled to immunity from punishment on account of race. We hold that the three companies were justly discharged from the Army, and if they had been white troops it would have made not the slightest difference in our sight. Indeed, if they had been white, no one would ever have chirped at their discharge.

We commend Colonel Burgwyn's communication to the especial consideration of our highly esteemed contemporaries, the New York Sun and the New York Evening Post.

During the delivery of Mr. CULBERSON's speech,

THE VICE-PRESIDENT. The Senator from Texas will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

THE SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

MR. LA FOLLETTE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

THE VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside temporarily. Without objection, it is so ordered. The Senator from Texas will proceed.

After the conclusion of Mr. CULBERSON's speech,

MR. FORAKER. I do not rise, Mr. President, for the purpose of engaging in a discussion of the race question. That question, as I have repeatedly said since this matter has been debated in the Senate, does not belong in the controversy we have been having. It belittles this question to introduce that subject. At another time, however, I may take occasion, if that question is to be thrust upon us, to make some remarks in answer to it; but for the present I pass that by.

Neither do I intend now, Mr. President, to discuss the question of the constitutional or legal power of the President to make the order he made discharging these troops. I do not propose to discuss that because some days ago, in response to the President's message, I made some remarks upon that subject, and because, in the second place, the resolution now before the Senate is simply a resolution directing the Committee on Military Affairs to make an investigation as to the facts in this case. When this resolution shall be adopted and the committee shall have made that investigation and shall have reported to the Senate, if it be in order, we can again discuss the question of constitutional and legal power, but for the present I pass that by for the reason indicated.

Neither do I propose at this time, Mr. President, to discuss the facts as disclosed by the testimony that has been sent to the Senate by the President, or the testimony that has just now been added by the Senator from Texas to what was sent us by the President.

I do not propose to discuss the facts at this time because this is not the time to try the case if we are to further investigate it. I discussed the competency of the testimony and the weight of it some days ago, because challenged to do so by statements found in the President's message, but only for the purpose of showing why, in my judgment, the testimony that had seemed sufficient to the President was not in fact sufficient.

I pass that by, therefore, until I know what the action of the Senate will be upon this resolution. If it be adopted, as I think it should be, and as I hope it will be, the investigation will follow, all the testimony will be brought before us in due time by the committee, and then we can discuss it and weigh it and determine what it establishes and what it does not establish.

My purpose in rising at this time, Mr. President, is not, therefore, to discuss any of the questions to which the Senator from Texas has addressed himself, but rather only to defend myself from the charge made by the Senator from Texas that in the remarks submitted to the Senate some days ago I reflected

on Captain McDonald, a distinguished acquaintance of his and a citizen of Brownsville, who met with commendation at the hands of Major Blocksom. The reference to my remarks submitted a few days ago just now made by the Senator from Texas is of such a character that one not being advised would conclude that I had disparaged the character of Captain McDonald. Not so, Mr. President. I called attention in the following language to Captain McDonald. Speaking of the report of Major Blocksom, in which he spoke of having met a number of the "sterling citizens of Brownsville," I proceeded as follows:

One man who seems to have won his admiration and excited it unduly was a Captain McDonald, who is described as a captain of Texas Rangers, whatever they may be, and he pays him this high compliment. Now, Mr. President, think of this going into an official report:

It is possible—

Says Major Blocksom—

It is possible McDonald might have fought the entire battalion with his four or five rangers were their obedience as blind as his obstinacy. It is said here he is so brave he would not hesitate to "charge hell with one bucket of water."

Then immediately he says:

I met many sterling people in Brownsville.

I was then interrupted by the Senator from Wisconsin [Mr. SPOONER] to know what that adjective was, and I repeated it, "sterling," and remarked:

Captain McDonald is one of them. Like Ben Adhem, his "name led all the rest."

With that I quit Captain McDonald and did not refer to him again in the course of those remarks except to say later the following. I was speaking of my desire to have an investigation. I was speaking of my desire to secure for these discharged soldiers, who have been made to suffer so severely, an opportunity somewhere, some time, in some manner, a day in court, where they could confront their accusers and cross-examine their witnesses, and in this connection I said:

I want to see that gentleman who is "able to charge all hell with one bucket of water." I should like to cross-examine him, Mr. President.

That is all I said about him. I do not know why he should be offended, unless because I called him a gentleman. [Laughter.] But, Mr. President, I had no thought then of reflecting upon him. He was an entire stranger to me. The reference to him made by Major Blocksom was quite unusual. It does not seem to me unnatural that I should have made comment upon it. Since then, however, I have learned a great deal about Captain McDonald, and I want here and now, in view of the remarks of the Senator from Texas, and in view of some other things that have come to me, to pay proper tribute to Captain McDonald, to show what a brave, public-spirited man he is, and to put it into the RECORD, where it will live forever, for I assume our institutions will be perpetuated.

Mr. GALLINGER. It will never be read.

Mr. FORAKER. The Senator from New Hampshire suggests that it will never be read. I do not know. I think this will be read, but for fear it will not be read I will read it myself. I read from the Cincinnati Enquirer of a few days ago, in order that we may know who this gentleman is and what he is. I do not intend to comment upon him, but will give him just as his friends have given him in this article, just as he has caused himself, in what seems to be an inspired article, to appear before the American people. This article has a rather sensational headline and it makes some references to me, which I hope I will be excused for reading under the circumstances:

GLITTER IN M'DONALD'S EYE—NOTED TEXAS RANGER, WHO PROBED NEGRO RIOTS, RESENTS ALLEGED SLURS OF SENATOR FORAKER—WALKING ARSENAL DESIRES TO MEET THE OHIOAN—PICTURESQUE WESTERNER "WOULD CHARGE HELL WITH A BUCKET OF WATER," SAYS MAJOR BLOCKSOM.

[Special dispatch to the Enquirer.]

AUSTIN, TEX., December 29.

Capt. Bill McDonald is willing to go to Washington to tell what he knows about the negro soldiers' riot at Brownsville before a Congressional investigating committee. He is anxious to go. He says that he wants to meet Senator J. B. FORAKER, who, according to published dispatches, referred to him slurringly on the floor of the Senate the other day as "that Captain McDonald." Captain McDonald is the man mentioned in Major Blocksom's report on the Brownsville riot as the man who would "charge hell with a bucket of water."

Probably having no other use for the water. [Laughter.]

Captain McDonald does not say that he would make any trouble for Senator FORAKER when he meets him—

What a relief that is to me [laughter]—

but the cold glitter in his steel-blue eyes when he refers to the Ohio Senator does not indicate that it would be an altogether pleasant meeting.

Captain McDonald is said to know more about the Brownsville affair than any of those who investigated it.

How natural therefore, Mr. President, that we should have an opportunity to examine him.

He was sent there by Governor Lanham as soon as it occurred, and spent some time making a personal inquiry into the trouble. As a

direct result of his research, twelve negro soldiers were arrested on the charge of being implicated in the shooting up of the town, in which one man was killed and another wounded.

These are the men selected by Captain McDonald and arrested upon his order as the men who, as the result of his investigation, were by him regarded as the guilty persons who had done the firing, and they are the same twelve men who were discharged by the grand jury, as we were advised by the Senator from Texas [Mr. CULBERSON] in his remarks a moment ago, after they had taken a great deal of testimony, all the testimony presumably that Captain McDonald had before him when he directed these twelve men, as the guilty ones, to be arrested and taken before the grand jury.

Captain McDonald made a written report of his findings to Governor Lanham and to President Roosevelt.

I think we ought to have that.

BIG TEXAS RANGER.

Captain McDonald is the most noted peace officer in the Southwest. He has been commander of a company of Texas Rangers for nearly twenty years, and during that period he has experienced many thrilling encounters with desperate men. Only a few weeks ago he and three members of his company were riding along a road near Rio Grande City when they were fired upon by Mexicans in ambush. Captain McDonald and his men returned the fire in the darkness, being guided in their aim by the flashes of the guns of the attacking party. They killed four Mexicans and wounded others.

That is his account of that transaction. I have another account written by people who were not in sympathy with what Captain McDonald did on that occasion, which does not put quite so favorable a view upon it either as to the bravery of the man or as to the justification for the killing of four men and the wounding of five others. But that is not in order now. I mention it only that we may get thoroughly, or at least as thoroughly as we may be able to, acquainted with the gentleman who is vouched for by the Senator from Texas as truthful and honest, and as fearless and brave as he is truthful and honest. More of this:

Captain McDonald has killed a number of men while in the performance of his duty as an officer of the law. He is literally "shot to pieces," but he is still as lithe and active as a boy. He is never unarmed. Day and night he wears a big .45, and one of the latest improved automatic pistols. He sleeps with both these pistols by his side, whether in a hotel in town or in camp in some remote and dangerous locality of the border region. He says that he never knows when he may need them.

The article goes on at that same rate telling of a number of other difficulties and a number of other killings. I shall not take the time to read further, but I ask that it all may be printed in the RECORD where it can be read by anyone who may desire to read it.

The VICE-PRESIDENT. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

LIFE ON THE FRONTIER.

Practically all of Captain McDonald's life has been spent upon the frontier. He trailed Indians and hunted buffalo upon the plains of Texas forty years ago. He has a record for coolness and bravery that is almost unequalled.

Ten years ago Captain McDonald had a pistol duel with Sheriff Joe Matthews, of Childress County, and two deputies at Quanah. He killed Sheriff Matthews and was himself wounded almost to death. The two men had trouble over who should have custody of a prisoner whom Captain McDonald had arrested in an adjoining county. Sheriff Matthews and two deputies came to Quanah with the avowed intention of killing McDonald. The latter heard of this threat and was prepared for trouble. Matthews and McDonald met upon the public square and both pulled their pistols. Matthews got in the first shot, the bullet going through McDonald's right lung. They were within ten feet of each other, but the force of the bullet and the terrible wound did not floor McDonald. He fired at Matthews, and the bullet struck a piece of plug tobacco and a thick notebook that shielded Matthews's heart. The two men fired the second shots simultaneously. Matthews was struck near the heart, and he fell to the ground unconscious. McDonald was hit in the right side, and the bullet ranged upward and came out at his neck. While Matthews and McDonald were having this duel the two deputies of Matthews were shooting at McDonald at close range, but all of their bullets went wild.

TENDED TO THE DEPUTIES.

When McDonald saw that he had killed Matthews, he turned his attention to the two deputies. He fired at them as they fled down the street and he then sank down unconscious. He was a long time recovering from the wounds he received.

Seven years ago John and George Humphries, two white farmers who lived in the "trans-cedar" country in the northeastern part of the State, were lynched one night by a party of unknown men. Governor Sayers sent Captain McDonald to the scene of the crime with instructions to discover, if possible, the guilty parties and to arrest them. Alone and unaided Captain McDonald arrested twelve of the most desperate men of that community and was successful in establishing the guilt of all of them. They were sentenced to long terms of imprisonment. In hunting up evidence against these men he traveled about the country and visited them at their homes alone. He received a number of threats against his life, but he paid no attention to them.

It was through the individual efforts of Captain McDonald that the notorious Reese-Townsend feud, which caused many killings in Colorado and Bastrop counties, was broken up. On one occasion, when the members of these opposing factions, numbering more than 100 men, were drawn up in fighting array at Columbus, Captain McDonald walked up to them and ordered them to deliver over their arms to him. The crowd demurred at first, and he had to knock one of the more ob-

strenuous objectors to his order down with a gun. He searched every member of both factions and took all of their guns and knives away from them. At another threatened outbreak of these same feudists a few months later at Bastrop he performed a similar service.

FOE TO SMUGGLERS.

Captain McDonald has hunted down many desperate robbers and smugglers along the Rio Grande. He was also stationed in the Panhandle for several years, and it was through his active work that that part of the State was rid of the bands of cattle and horse thieves who formerly made it their rendezvous. He had many fights with these outlaws. He left the town of Quanah one day on the trail of a notorious criminal who was badly wanted in different parts of the State for murder and robbery. He followed the outlaw for more than 400 miles, stopping only an hour or two at a time to get a little sleep and give his horse its needed rest. He finally overtook his man in what was then known as "No Man's Land," which is now a part of Oklahoma. He found him in camp with four other men, who were also probably outlaws, but Captain McDonald did not recognize them. He was after this particular man, and he unhesitatingly dismounted at the camp and walked to where the men were sitting and told the fellow that he was his prisoner. Captain McDonald says that he expected every minute to be shot before he got away from that remote camp, but he was not molested as he forced his prisoner to mount a horse and ride away with him toward Texas.

Three or four years ago Captain McDonald had a fight with cattle thieves in the Panhandle. Three of them escaped, and he followed them alone for 300 miles, finally rounding them up near Norman, Okla., where he arrested them single-handed and placed them in jail.

These are only a few of the incidents in Captain McDonald's long career as a commander of the State rangers. They serve to show what kind of a man Senator FORAKER would have to deal with if he should meet him in Washington.

MR. FORAKER. Mr. President, I have here another account of him. This is in the nature of an interview with him, and it comes from a newspaper, the reliability of which can not be questioned, I imagine, for it is taken from the Houston Post, of Texas, of the 24th of December, 1906. I read as follows:

RANGER CAPTAIN M'DONALD—HE IS PERFECTLY WILLING TO BE CROSS-EXAMINED BY FORAKER—STORY OF THE BROWNSVILLE RAID AND WHY MAJOR BLOCKSOM FORMED HIS OPINION—M'DONALD ACCUSED MAJOR PENROSE OF BEING AN ACCESSORY AFTER THE FACT TO THE BROWNSVILLE OUTRAGE—SOME THINGS THAT HAVE NOT HERETOFORE BEEN PUBLISHED.

Captain of Rangers William J. McDonald spent last night in Houston en route to Madisonville, where he has business that demands his attention. As usual, the captain is going "squirrel hunting." In other words, the captain's business is no one else's business. He doesn't talk much. He simply acts when the time comes.

"Foraker doesn't seem to know much about the Rangers of Texas, Captain," suggested the Post man last night at the Rice Hotel.

"What is that fellow jumping on me for, anyway? I haven't done anything to him. I could tell him who the Rangers are and what they are for, though. I could tell him that the Rangers are the fellows that bring the scalawags and rascals that he is trying to defend to justice. When the Rangers get hold of them, and they generally get hold of them when they start after them—they may stand hitched. We had those negroes down there at Brownsville, and we were making them stand hitched. They would have been hitched yet if the matter had not assumed a new phase, over which we had no control. Now, I don't care to break into the limelight, but if Foraker is anxious to put questions to me concerning the Brownsville affair, I will not dodge the issue."

When Major Blocksom suggested that Captain McDonald "would charge hell with one bucket of water," there is no doubt but he meant just what he said. Foraker, however, seized upon this and used it with derision in his address. Major Blocksom had every reason to believe that Captain McDonald was not afraid of a whole regiment of soldiers. The captain's actions in Fort Brown before the officers and the soldiers demonstrated that he was able to take care of himself, even though many loaded guns were aimed at him.

Now follows the account:

HOW M'DONALD FOUND BROWNSVILLE.

The captain was in Dallas filling the position of sergeant-at-arms for the Democratic convention when the outrage was committed at Brownsville. It was ten days after this that he arrived in Brownsville, and he went to work at once.

I think that should be two days.

The whole populace was in a state of uproar. The soldiers on the inside of the fort were on guard with their firearms loaded, and feared lest the people of the city made an assault upon the fort, while the people of the city, wrought up to the pitch of desperation and ready to fight, nevertheless were in a state of fear lest the soldiers inside the fort should make another onslaught upon the town.

When Captain McDonald, with his trusted sergeant, McCauley, arrived they went quietly to work gathering evidence. They did not go directly to the fort, but finding an ex-soldier who knew something of the assault made by the negroes, got from him all he knew.

He was one of the twelve men caused to be arrested by Captain McDonald, who was afterwards acquitted by the grand jury.

The captain and his sergeant then went to the fort. On the way the citizens met them and warned them that they would never get back alive if they entered the fort; that the negro soldiers would kill them.

HOW HE TALKED TO THE NEGROES.

As they entered about twenty negroes leveled their guns at them and demanded that they halt. They did not halt, but kept moving toward the negro soldiers and their aimed guns. The captain was doing some talking meanwhile. He talked to them like he would talk to a negro, and told them what kind of stunts he would have them doing if they didn't put up their guns, and they put up their guns.

"I'm Captain McDonald, of the Texas Rangers. I've come down here to investigate you black scoundrels. If you make a move with those guns I'll show you how to make kinky fur fly. Where is Major Penrose?"

Involuntarily the hands of most of the negroes went to their hats.

There was a ring in the captain's voice that they did not mistake. That ring carried time backward in its flight more than forty years. It was not United States soldiers standing menacingly over a civilian. It was negroes—the old-time plantation negroes—in the presence of a southern gentleman.

"Yes, sir, cap'n; yes, sir. Major Penrose he ovah dar in his house."

"One of you black scoundrels show me to him."

They all bent their bodies in a bow and all were ready. The captain selected the one for the service and the darkey led the way to where Major Penrose was in consultation with Major Blocksom and Captain Macklin.

WHEN BLOCKSOM FORMED HIS OPINION.

"I am Captain McDonald, of the Texas Rangers. The governor has sent me down here to investigate this outrage," is the manner in which Captain McDonald introduced himself to Major Penrose and the other officers. "What have you learned about this thing?"

"Absolutely nothing," answered Penrose.

"Nothing! Do you mean to tell me that you have investigated this matter and have learned nothing about it? How about Corporal Miller's connection with it?"

In connection with Corporal Miller, McDonald mentioned the names of other negroes. He had secured information from the ex-soldier and had gathered the names of many negroes who were mixed up in the affair, and he was able to talk in a manner which showed that he was familiar with the affair.

"Corporal Miller was not mixed up in this affair at all. He was at roll both at 8 o'clock and at 11 o'clock. I saw him, and Captain Macklin saw him."

"Have Corporal Miller brought in here, and let me question him, and I'll prove to you that you are mistaken."

Corporal Miller was brought in and the captain conducted the examination. Penrose and Blocksom would occasionally break in with a question, but the captain informed them that it was he that was conducting the examination; that they could ask him questions as to where he was last year or the year before, but they would have to postpone their questions until he got through with the negro; that he wanted to know where Miller was on the night of the shooting up of the town.

CORPORAL MILLER MADE ADMISSIONS.

They all got good, and Miller became very humble, and he admitted that he was not in the fort at either 8 o'clock or at 11 o'clock and that he did not return to the fort until about or after 12 o'clock on the night of the shooting up of the town. During this examination the negro had his cap off. Captain McDonald had his attention. It was to this civilian and not to his superior officers that he humbled himself. To the captain he was a negro; to Penrose, Blocksom, and Macklin his attitude was not even that of a soldier in the presence of his superiors. He had forgotten that he was a soldier. And he belched up things right along, and he got himself arrested for it, and the captain made the arrest.

Then they go on, Mr. President, with a half column more of it. I shall ask to have it all printed in the RECORD. I have read just enough to show the character of this man's knowledge of this affair and to show something of the character of the man himself. I did not intend, when I referred to him some days ago, to do him any injustice; but in view of the fact that he seems to think I have, and especially in view of the fact that my much esteemed colleague, the Senator from Texas, seems to think I have reflected upon him, I think it but due to Captain McDonald that these interviews with himself, which are apparently his own picture of himself, should be put in the RECORD, where all the Senate and all the country and all posterity may read them and know of this man, who is as fearless and as brave as he is truthful and honest and who seems to have had much to do with the preparation of this case.

THE VICE-PRESIDENT. The matter referred to by the Senator from Ohio will be printed in the RECORD, in the absence of objection.

The matter referred to is as follows:

Captain McDonald arrested thirteen negroes on warrants issued from the State courts. Major Penrose told him that seven or eight of the negroes under arrest were the right ones, but that he was mistaken about the others.

ACCUSED PENROSE OF BEING AN ACCESSORY.

"If you know that much about this thing, how is it that you do not know all about it and who were connected with it? Why don't you assist me in bringing the guilty scoundrels to justice?"

And right there Captain McDonald threw it into the teeth of Major Penrose that he was an accessory to the crime.

Major Blocksom heard it and there isn't much wonder that he is of the opinion that Captain McDonald, of the Rangers of Texas, "would charge hell with one bucket of water."

But this is not all that Major Blocksom saw of the captain that firmly fixed this in his mind. During the time that the thirteen negro soldiers were locked up in the guardhouse the wires were kept hot. The order to move the troops came. Captain McDonald had the warrants in his pocket and the negroes were in the guardhouse inside the fort. He could not place them in the county jail. At least he deemed that the temper of the people made it advisable that the negroes be kept locked up inside the fort. The officers of Brownsville had allied themselves with Major Penrose and against McDonald. They demanded that he give over the warrants which he had in his possession. He still refused. The demand was made upon the order of the court, and officers went to him as officers and made the demand and fortified themselves, as officers do under such circumstances, back of their guns. It was no use. The captain had the warrants. He was ready for any test, and he stood them off. Meanwhile he had asked the governor for instructions. The message came back:

"Cooperate with the officers of Brownsville."

FORCED COMPANY OF TROOPS BACK TO FORT.

Meantime the troops were on the move. A company was taken to the depot. Captain McDonald and his trusted sergeant went down to the depot to see if any of the negroes for whom he had warrants were among those being taken away. They did not have any of his negroes, so he and his sergeant started toward the fort. They met a company of negroes coming up. They were on the way to the depot to be removed

to San Antonio. Among them were some of the negroes that McDonald had arrested.

"Take them negroes back to that fort and lock them up; they are my prisoners. I'll show you people some things. I know just where I am at in this matter, and if you people attempt to take those negroes another step toward that depot we'll get busy."

The negroes were "righted about" and taken to the fort, and those that McDonald had warrants in his pocket were locked up again. The governor's message had arrived by this time, but McDonald did not deliver up his warrants until the next morning, and then the negroes were placed on board a train and scooted out of Brownsville.

INFLUENCE ON THE NEGRO.

During their contact with McDonald they had become negroes again, all of them. They had become subdued, notwithstanding they had made the threat that one company of the Twenty-fifth was not afraid to charge the whole State of Texas, and as the captain passed among them at the fort their hands went to the caps and they bowed in respectful manner. The influence of the captain remained with them until they were many miles away from Brownsville. A gentleman who was on the train which took the negroes away from Brownsville states that they were meek and that not a word did any soldier speak until Brownsville was 20 or more miles behind them. They then showed signs of boastfulness again.

FORAKER might have misinterpreted the meaning of Major Blockson, but when Blockson gave expression to his now famous epigram, he felt that way about it.

Captain McDonald has written several reports of the Brownsville affair, giving the inside of the whole thing. He has written a report to Governor Lanham and a report to President Roosevelt, and upon instructions from Governor Lanham has written a report to Senator CULBERSON.

HAS GIVEN ROOSEVELT INFORMATION.

He has also written a letter to the President congratulating him upon his action in disbanding the negro soldiers. In this letter he told the President some things that the President did not know before.

Just what these things were is another story. At any rate President Roosevelt has ordered a court-martial of Major Penrose and Captain Macklin. Just where Captain Macklin was on the night of the murder is an unknown quantity. He averred that he saw Corporal Miller at roll both at 8 o'clock and at 11 o'clock. It transpires, however, that he will have a hard time proving that he himself was there.

THE CAPTAIN WHEN NOT IN ACTION.

This man, Captain McDonald, is a little bit of a fellow. One can almost span his waist with two hands. He is not to say abbreviated of stature, but he is by no means tall, and he is very frail. He is mild of manner and unassuming and as docile as a lamb, and his eye is kindly and twinkles with a smile. He is as plain as an old shoe, and no one to meet him on the street would take him to be a "bad man." But this is the Captain McDonald when not in action. Major Blockson, it seems, can best tell what the man looks like when he is in action, and should FORAKER ever come in contact with him during such a time it would not be in a derisive way that he would say that he was one of those fellows who "would charge hell with a bucket of water."

Mr. FORAKER. I now ask for a vote on the resolution, Mr. President.

Mr. LODGE obtained the floor.

Mr. CULBERSON. Will the Senator from Massachusetts yield to me?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. Mr. President, it was not my pleasure to hear all the remarks of the Senator from Ohio [Mr. FORAKER] who has just taken his seat, but from what I can learn of his remarks I think the country is to be felicitated upon the fact that he has now turned his attention from attempting to establish the innocence of the guilty persons to a species of ridicule of the captain of the Texas Rangers. From what I caught, what the Senator has read seems to be merely an effusion of some newspaper reporter in Texas, I believe, and some representative of the Cincinnati Enquirer, as to the character of man Captain McDonald is—of course, purposely exaggerated.

There is one thing else I ought to add to what I have said about Captain McDonald, and that is this: In view of the wish expressed in this Chamber a few days ago—but which has been omitted from the RECORD—to meet him, it affords me very much pleasure to say, in the same spirit, that he never declined an invitation of that character in all his life, and he is too old to change his habits now.

Mr. LODGE. Mr. President, I offer to the resolution the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts to the resolution will be stated.

The SECRETARY. After the word "discharge" it is proposed to insert "by the President of the United States in the exercise of his constitutional and legal authority as Commander in Chief."

Mr. LODGE. Mr. President, as a member of the Committee on Military Affairs, which will be charged with the proposed investigation and with hearing the testimony, I think it would be very unbecoming in me to form any final opinion as to the question of fact which has been raised, and certainly most improper for me to express any opinion in regard to it. The question of fact is all that is covered by the resolution of the Senator from Ohio [Mr. FORAKER], and I hope that resolution will pass at the earliest moment, and that the committee will take it up and

press their hearings to a conclusion. But until they have heard all the testimony, as a member of the committee I think it would be, as I have said, unfitting for me to discuss the question of fact.

But the question of law is an entirely different one. That question was opened up by the Senator from Ohio the first day he spoke. It has been discussed again to-day by the Senator from Texas [Mr. CULBERSON]. While it would be an impropriety for me to form or express an opinion as to the facts, I can see no possible objection to myself or any other Senator, whether a member of the committee or not, expressing an opinion as to the question of law. I have given some study to it during the recess, and I have no doubt whatever as to the President's constitutional and legal authority to issue the order which he did discharging the soldiers. Whether the facts justified that order is a wholly different question, and that is the question which the resolution refers to the committee for decision; but as the legal and constitutional question has been raised, I think it would be just as well for the Senate to pass upon that question and remove it entirely from the jurisdiction of the committee, confining them, as the resolution purports to confine them, to the question of fact.

It is for this reason that I have moved the amendment which I have sent to the desk.

Mr. FORAKER. Mr. President, I am opposed to the adoption of the amendment. That is a question as to which the Senate should not estop itself from giving further consideration. It is a very important question. It is true I made some remarks upon that point when I spoke a few days ago, and it is true that the Senator from Texas [Mr. CULBERSON] discussed that proposition to-day; but the discussion of the Senator from Texas and the discussion I indulged in are enough in themselves to show that it is at least a controverted proposition.

The Senator from Massachusetts [Mr. LODGE] says that he has no doubt about the President's authority. I have no doubt either as to the view I have expressed. It is a matter which, it seems to me, ought not to be acted upon in connection with the resolution providing for an investigation of the facts. Let us confine the resolution to its purpose, namely, to investigate the facts, and then, when we have all the facts, we can consider not only the law applicable to the state of facts we may report, but also all the law applicable to the case as it is insisted by others it has already been established. So I hope the amendment will be voted down.

Mr. BEVERIDGE. I ask before action is taken that the original resolution of the Senator from Ohio [Mr. FORAKER] and the amendment proposed by the Senator from Massachusetts [Mr. LODGE] be read.

The VICE-PRESIDENT. The Secretary will read the resolution of the Senator from Ohio as it is proposed to be amended by the Senator from Massachusetts.

The Secretary read the resolution as proposed to be amended, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge, by the President of the United States in the exercise of his constitutional and legal authority as Commander in Chief, of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. LODGE. Mr. President, the Senator from Ohio says very justly that his resolution deals only with the facts. It is for that purpose—to confine the committee entirely to the facts—that I have offered the amendment. I think the Senate will have to pass upon the question of constitutionality, as it has been raised, and it seems to me they can pass on it just as well at one time as another.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. I yield.

Mr. WARREN. I do not wish to take the Senator from Massachusetts from the floor, but now or at the conclusion of his remarks I wish to ask unanimous consent that the resolution of the Senator from Ohio and the amendment to it proposed by the Senator from Massachusetts lie over until to-morrow or until our next meeting, allowing it to keep its place until it comes up in regular order after morning business.

Mr. FORAKER. I object.

The VICE-PRESIDENT. Objection is made.

Mr. LODGE. Mr. President, I am very anxious to have this resolution disposed of as soon as possible. I should like to be heard briefly upon my amendment. I am suffering to-day from a cold and a somewhat sore throat, and it is extremely difficult for me to go on this afternoon—

Mr. FORAKER. In view of that statement, I withdraw the objection.

Mr. LODGE. But if the Senator from Ohio insists, I will go on.

Mr. FORAKER. In view of the statement of the Senator from Massachusetts—I did not know that the request was made by the Senator from Wyoming [Mr. WARREN] on account of the Senator from Massachusetts—I withdraw my objection.

Mr. LODGE. I did not ask the Senator from Wyoming to make the request; he made it entirely upon his own motion. I was about to make the request when the Senator from Wyoming took the floor. But it would be a great convenience to me if this matter could go over until Monday, because, as I say, it is only with difficulty that I can speak, owing to the extreme hoarseness from which I am suffering.

Mr. FORAKER. Mr. President, in the event the resolution goes over, what will be its parliamentary status?

Mr. HALE. Let it be understood, Mr. President, that the resolution comes up at the end of the routine morning business, as it did to-day, and is before the Senate. If that is the understanding, I shall move that when the Senate adjourns to-day it be to meet on Monday next.

The VICE-PRESIDENT. Is there objection to the request?

Mr. McCUMBER. I should like to ask the Senator to indulge me just one remark before he makes that motion.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. Certainly; I yield.

Mr. McCUMBER. Mr. President, we have just had a recess of nearly two weeks. There is considerable business that should be accomplished by the Senate before we adjourn on March 3. In a very short time we will have the appropriation bills before us, and they will have the right of way to the exclusion of nearly everything else.

Some days ago I gave notice that I would call up the pension bill to-day; but at the request of Senators who wished to debate to-day the Brownsville matter I gave way, giving notice at the time that I would call up the bill to-morrow morning immediately after the routine morning business. It seems to me almost wholly unnecessary to have us here for just one day for a couple of hours after a two weeks' recess and then immediately adjourn for three more days. We ought to have time at this session of Congress to consider something else besides the Brownsville affair and the appropriation bills. I should very much appreciate it if the Senate would adjourn only until to-morrow and take an hour or two in the forenoon to consider other bills than appropriation bills.

I should like to bring up the pension bill to which I have referred. I do not object to the Brownsville matter taking its place on Monday. There has been, I think, no notice given for Tuesday, but the time will be so short that, unless we can take up the pension bill during the early part of the session before the appropriation bills come before us, we can not take it up at all.

Mr. HALE. Mr. President, I would not interpose a motion that when the Senate adjourns to-day it be to meet on Monday next if I believed that any legislative business would be done in the meantime. Senators have been away, and a great many of them are not here now. If we have a session to-morrow nothing will be done about the subject-matter that has occupied the Senate to-day, and nothing will be done upon the measure which the Senator from North Dakota [Mr. McCUMBER] has in hand and at heart, except perhaps some debate, and then the matter will go over. For one, I am entirely willing to come here to-morrow and spend an hour or two in listening to debate on the pension bill, but there will be no action upon it; there will be no action upon anything; it will simply occupy so much time. But I leave all that to the Senate.

First, I ask, Mr. President, that the resolution in regard to the Brownsville affair go over, retaining its place, to be considered when the Senate next meets, at the end of the routine morning business, in order that Senators who desire to be heard can be heard upon that, and in order, as no reference has yet been made, that the Senate may at an early day pass upon the main question, which is, Shall the resolution be referred to the committee?

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that, at the end of the routine morning business on the next legislative day, the resolution respecting the Brownsville matter be laid before the Senate. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HALE obtained the floor.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Yes.

Mr. CARTER. I should be glad to have the Senator prefer a request that the resolution, together with the amendment, be printed.

Mr. HALE. That will of course be done.

Mr. CARTER. I presume the amendment has been offered separately. I should like to see the resolution and the amendment printed together.

The VICE-PRESIDENT. Without objection, the resolution will be printed with the amendments noted in the proper connection.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask, Mr. President, if any notice has been given as to taking up any subject next Tuesday morning?

Mr. HALE. I should like to say right here that there seems to have grown up a belief—

Mr. McCUMBER. I ask for information—

Mr. HALE. That because a Senator gives notice, he can therefore bring up a bill. There is nothing in the history of the Senate, there is nothing in the precedents, which sustains that idea. I get no additional advantage by notifying that next Wednesday or a week from next Wednesday or two weeks from next Wednesday I will call up a bill. It ought not to be journalized. The clerks have fallen into a fashion, if a Senator announces that he proposes to make a speech on a certain day next week, and he either wants to bring all his friends here or wants to keep them away, of journalizing the notice. The clerks have no right to do that. It is not a part of the proceedings of the Senate. Giving notice that on a certain day a Senator will call up a bill expresses nothing except how the Senator's mind is working, and that he is going to try it at that time. It adds nothing to the privileges of a Senator, and does nothing in the way of obstructing the business of the Senate. I do not object to the Senator from North Dakota giving his notice.

Mr. McCUMBER. Mr. President, during the time I have been here this custom has been almost universal in the Senate. It is a custom which has worked to the advantage of the Senate in the dispatch of business, inasmuch as it makes it possible for us to know beforehand what subject is liable to be called up at a given time. Most Senators have conceded that right, and have fallen in with it. I know, as the Senator from Maine has already expressed it, that it carries no particular right with it, except a right which has been granted as a matter of courtesy.

I desired to have the Senate take up the bill to-day. I desire to have it taken up some other day, if it can not be taken up at this time, and I desire to have it understood that I should like to have it taken up at some time when it will be most convenient for other Senators who have other measures which they wish to have considered. That is the only object of giving notice, and with that object in view very much good can be accomplished.

Mr. HALE. The Senator is quite right. Let him give his notice that he will try to get up his bill, and I will try to help him.

Mr. McCUMBER. Before I give the notice I should like to have the information which I sought to obtain.

The VICE-PRESIDENT. The Chair ascertains from an examination of the record of to-day that the Senator from North Carolina [Mr. OVERMAN] gave notice that on Tuesday next, after the close of the routine morning business, he would call up Senate resolution No. 200 for the purpose of making some remarks thereon.

Mr. McCUMBER. The very fact that the Senator from North Carolina has given that notice induces me to refrain from giving notice for Tuesday in order that the Senator may have the time he wishes. It is but proper that he should have the time when he has given notice that he wishes to speak, as that will undoubtedly be most convenient for him.

That being the case, I should like to give notice that I will call up the pension bill for consideration, not for final vote, after the routine morning business next Wednesday.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. 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 2 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 7, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 3, 1907.

SURVEYOR OF CUSTOMS.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia. (Reappointment.)

COLLECTORS OF CUSTOMS.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey. (Reappointment.)

Daniel W. Patrick, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina. (Reappointment.)

Morton Tower, of Oregon, to be collector of customs for the southern district, in the State of Oregon. (Reappointment.)

PROMOTIONS IN REVENUE-CUTTER SERVICE.

First Lieut. Preston Henry Uberroth to be a captain in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906, in place of Walter Spooner Howland, retired.

Second Lieut. Henry Ulke, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906, in place of Preston Henry Uberroth, promoted.

Third Lieut. Ralph Waldo Dempwolf to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from October 1, 1906, in place of Second Lieut. Ernest Eugene Mead, promoted.

Third Lieut. Roger Chew Weightman to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 4, 1906, in place of Second Lieut. Henry Granville Fisher, promoted.

PROMOTION IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. John S. Boggess to be a passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from December 5, 1906.

ASSISTANT TREASURER.

Edwin Upton Curtis, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass., in place of George A. Marden, deceased.

ASSISTANT ATTORNEY-GENERAL.

Edward T. Sanford, of Tennessee, to be Assistant Attorney-General in place of James C. McReynolds, resigned.

UNITED STATES MARSHAL.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas. A reappointment, his term having expired on December 8, 1906.

APPOINTMENT IN THE ARMY.

General officer.

Brig. Gen. J. Franklin Bell to be major-general from January 3, 1907, vice Lee, retired from active service.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captain.

First Lieut. Guy S. Norvell, Eighth Cavalry, from October 2, 1906, vice Carleton, Thirteenth Cavalry, promoted.

To be first lieutenants.

Second Lieut. Guy Kent, First Cavalry, from August 2, 1906, vice Odell, Eleventh Cavalry, resigned.

Second Lieut. Copley Enos, First Cavalry, from August 10, 1906, vice Karnes, Sixth Cavalry, resigned.

Second Lieut. Emory J. Pike, Second Cavalry, from August 20, 1906, vice Whitside, Fifteenth Cavalry, promoted.

Second Lieut. Williams S. Martin, Fourth Cavalry, from September 13, 1906, vice Purviance, Fourth Cavalry, promoted.

Second Lieut. Frank E. Sidman, Eighth Cavalry, from September 13, 1906, vice Johnson, Second Cavalry, promoted.

Second Lieut. Frederick Mears, Fifth Cavalry, from September 20, 1906, vice Cushman, Eleventh Cavalry, promoted.

Second Lieut. Alden M. Graham, First Cavalry, from October 1, 1906, vice Tilford, First Cavalry, promoted.

ARTILLERY CORPS.

To be first lieutenant.

Second Lieut. Norris Stayton, Artillery Corps, from December 21, 1906, vice Mitchell, retired from active service.

PROMOTIONS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Teofilo Marxuach, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906, vice Woodruff, promoted.

Second Lieut. Eugenio C. de Hostos, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906, vice Angel, promoted.

PROMOTIONS IN THE NAVY.

Professor of Mathematics Lucien F. Prud'homme, United States Navy, retired, with the rank of commander, to be a professor of mathematics on the retired list of officers of the Navy, with the rank of captain, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

Gunner Cornelius Cronin, United States Navy, retired, to be a chief gunner on the retired list of the Navy, to rank with but after ensign, from the 29th day of June, 1906, in accordance with the provisions of the naval appropriation act approved on that date.

PENSION AGENT.

John R. King, of Maryland, to be pension agent at Washington, D. C., his term having expired. (Reappointment.)

HOUSE OF REPRESENTATIVES.

THURSDAY, January 3, 1907.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Infinite Spirit, our God and our Father, whose blessings are new every morning and fresh every evening, we lift up our hearts in gratitude to Thee for the care Thou hast exercised over us as individuals and as a nation in the past, and we pray that Thou will continue the same. We thank Thee for the holiday season which has come and gone with its lessons of love, peace, and good will. Grant that they may remain with us that we may be the better prepared to prosecute the work of the new year, and grant, oh, most merciful Father, that the laws enacted by these, Thy servants, may lessen the evils in the world and promote the good. Through Jesus Christ our Lord, Amen.

The Journal of the proceedings of Thursday, December 20, 1906, was read and approved.

SWEARING IN OF MEMBERS.

Mr. NEEDHAM. Mr. Speaker, the Hon. William F. Englebright, who has been elected as the successor of Hon. J. N. Gillett, resigned, is present, and I ask that his credentials be read and that he be sworn in.

The SPEAKER. The Clerk will read the credentials.

The credentials were read.

Mr. GILLETT. Mr. Speaker, Hon. Charles G. Washburn, who has been elected to complete the term of the late Hon. Rockwood Hoar, is present and I ask that the oath be administered to him.

The SPEAKER. The Clerk will read the credentials.

The credentials were read.

Mr. Englebright and Mr. Washburn appeared at the bar of the House and took the oath required by law.

COMMITTEE ON MILITARY AFFAIRS.

Mr. HULL. Mr. Speaker, I ask the consent of the House that the Committee on Military Affairs may have leave to sit during the sessions of the House for the rest of this session.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the Committee on Military Affairs may have leave to sit during the sessions of the House for the remainder of the session. Is there objection?

There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to:

Mr. BRICK, for ten days, on account of serious illness in his family.

Mr. LAMAR, until January 8, 1907, on account of sickness.

Mr. CLARK of Florida, indefinitely, on account of sickness in family.

Mr. LINDSAY, until further notice, on account of sickness in family.

Mr. MCMORRAN, for ten days, on account of important business.

Mr. GRIGGS, until January 8, 1907, on account of sickness.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move the House do now adjourn. The motion was agreed to.

Accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

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

A letter from the Secretary of War, transmitting a recommendation as to legislation for compensation of ordinance officers in charge of national armories—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of a bill for increasing the limit of cost of the Freedmen's Hospital building and setting forth the need of additional appropriations therefor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation relating to allotments to certain children of the Kiowa, Comanche, and Apache reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the chairman of the commission on consolidation of schools and general plan of school buildings in the District of Columbia, submitting a preliminary report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation relating to a proposed patent in fee simple to William G. Labadie—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting a memorial of the Agricultural Association of Panay and Negros with reference to the tariff in its relation to the Philippines—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Judge-Advocate-General, a recommendation as to the payment of claims for liquors destroyed by the Federal authorities at the time of the earthquake in San Francisco—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, submitting a recommendation as to the claim of George Kingsland, of Bath Beach, Brooklyn, N. Y.—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusion of fact and law in the French spoliation cases relating to the brig *Juno*, Henry Atkins, jr., master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Maria*, William Cole, master—to the Committee on Claims, and ordered to be printed.

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 J. P. McCleudon, administrator of estate of Meredith King against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Eagle*, Jeremiah Goodhue, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Catherine*, James Cocks, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Bachelors*, D. Churchill, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Lydia*, Thomas McCray, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Hiram*, Samuel A. Whitney, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the *Hope*, John Prince, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for seacoast defense guns at West Point, N. Y.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for protecting public lands, timber, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for a tender for the Seventh light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Molly*, John Alden, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of allowance on the account of Capt. George H. Cameron, United States Army—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for repair of fortifications at Pensacola, Mobile, and New Orleans—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for defense at Pensacola—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Smithsonian Institution, submitting an estimate of appropriation for protection of the Casa Grande ruin in Arizona and continuation of investigations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for repairs and supply of stores at artillery posts on South Atlantic and Gulf coasts—to the Committee on Appropriations, and ordered to be printed.

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 Flat Rock Baptist Church, Missouri, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an urgent estimate of appropriation for navy-yard at Norfolk, Va.—to the Committee on Appropriations, and ordered to be printed.

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 G. D. Able, administrator of estate of Catherine Rutherford, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of deficiency appropriation for yards, docks, and equipment—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation for permitting the issue of a patent in fee simple to John W. Early, Ottawa allottee—to the Committee on Indian Affairs, and ordered to be printed.

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 W. T. Forbess, administrator of estate of Archie B. Forbess, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of channel from Aransas Pass to Corpus Christi, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, estimate of 6-foot channel in the Mississippi River between the Missouri River and St. Paul, Minn.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Postmaster-General, transmitting report of the finance of the Department, balance due, accrued postage, amount paid for carrying the mail, etc.—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a let-

ter from the Chief of Engineers, report of examination and survey of channel in Newark Bay, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Galveston Harbor, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of channel from Aransas Pass to Cuero, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Pamlico and Tar rivers, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Merrimac River, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Old South River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. HENRY of Texas: A bill (H. R. 23199) for the erection of a Federal building for the post-office at Marlin, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 23200) to provide additional judges for the district of Alaska—to the committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 23201) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901'"—to the Committee on the District of Columbia.

By Mr. SULLOWAY: A bill (H. R. 23202) to increase the rate of pension of certain widows under the act of June 27, 1890, and its amendments—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23203) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes"—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 23204) to establish a biological and fish-culture station in the Territory of Hawaii—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORRELL: A bill (H. R. 23205) causing a survey to be made of the Delaware River, etc.—to the Committee on Rivers and Harbors.

By Mr. COCKS: A bill (H. R. 23206) requiring the American flag to be flown from post-office buildings from sunrise to sunset each day that the offices are open for business—to the Committee on the Post-Office and Post-Roads.

By Mr. VOLSTEAD: A bill (H. R. 23207) reserving coal, lignite, petroleum, and natural-gas deposits from disposal of under existing land laws, and providing that such deposits may be mined under mining leases—to the Committee on the Public Lands.

By Mr. MACON: A bill (H. R. 23208) to prohibit the receipt, delivery, or transmission of interstate or foreign messages or other information to be used in connection with or furtherance of any project or transaction concerning the interstate or foreign buying or selling, or otherwise dealing in futures in agricultural products or commodities, and to prohibit the interstate or foreign buying or selling or otherwise dealing in said products and commodities—to the Committee on Agriculture.

By Mr. COLE: A bill (H. R. 23209) to provide for a soil survey in the Territory of Hawaii—to the Committee on Agriculture.

By Mr. RANDELL of Texas: A bill (H. R. 23210) providing for the transmission and delivery of semiweekly and triweekly newspapers through the mails in same manner and at the same rate of postage as weekly newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. MONDELL: A bill (H. R. 23211) authorizing the leasing of Indian lands—to the Committee on Indian Affairs.

By Mr. SCOTT: A bill (H. R. 23212) for the construction of

a breakwater at Hilo Harbor, in the Territory of Hawaii—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23213) for the further improvement of Honolulu Harbor, in the Territory of Hawaii—to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 23214) to provide for the erection of a hospital at Fort McKenzie, Wyo.—to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 23215) to regulate the issue of certain stocks and bonds of common carriers engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 23216) to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 23217) to provide for the appointment of an additional district judge in and for the southern judicial district of the State of West Virginia—to the Committee on the Judiciary.

Also, a bill (H. R. 23218) to authorize Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on east side of said river in Pike County, Ky.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23219) to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River about 2½ miles west of Devon, W. Va., a station on Norfolk and Western Railway—to the Committee on Interstate and Foreign Commerce.

By Mr. WELBORN: A bill (H. R. 23220) providing for an amendment to section governing compensation of registers and receivers of United States land offices—to the Committee on the Public Lands.

By Mr. GROSVENOR: A bill (H. R. 23221) for the erection of a public building at the city of Athens, in the State of Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23222) providing for the erection of a monument to Januarius Aloysius MacGahan—to the Committee on the Library.

By Mr. MORRELL: A joint resolution (H. J. Res. 209) concerning the dredging of the Delaware River—to the Committee on Rivers and Harbors.

Also, a resolution (H. Res. 674) authorizing the appointment of a committee to investigate railroad wrecks—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23223) granting a pension to Margaret Mars—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23224) granting a pension to Ella J. Crosse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23225) granting an increase of pension to James D. Leech—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23226) granting an increase of pension to Joseph Swihart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23227) granting an increase of pension to Charles Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23228) granting an increase of pension to Jacob Hambake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23229) granting an increase of pension to Joseph Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23230) granting an increase of pension to Thomas J. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23231) granting an increase of pension to Robert Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23232) granting an increase of pension to Lucas B. Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23233) granting an increase of pension to Theophilus Jones—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 23234) granting an increase of pension to James W. Walsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23235) granting an increase of pension to James L. Barney—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23236) for the relief of Edward H. Phelps and to correct his military record—to the Committee on Military Affairs.

Also, a bill (H. R. 23237) to remove the charge of desertion from the military record of Charles L. Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 23238) granting a pension to L. W. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23239) granting a pension to Charles L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23240) granting an increase of pension to Ezra B. Ide—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23241) granting an increase of pension to Mary Loomis—to the Committee on Pensions.

Also, a bill (H. R. 23242) granting an increase of pension to William E. McFarland—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 23243) for the relief of Charles P. Ryan—to the Committee on Military Affairs.

Also, a bill (H. R. 23244) granting an increase of pension to Michael Andrews, Jr.—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 23245) for the relief of Alexander Morgan—to the Committee on Military Affairs.

Also, a bill (H. R. 23246) for the relief of James Holder, Jr.—to the Committee on Military Affairs.

Also, a bill (H. R. 23247) granting an increase of pension to George L. Stults—to the Committee on Pensions.

Also, a bill (H. R. 23248) granting a pension to Andrew J. Mullins—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 23249) granting an increase of pension to Patience G. Reddy—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23250) granting a pension to Georgie A. Mercer—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 23251) granting an increase of pension to Joseph C. Hibson—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 23252) granting an increase of pension to John Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23253) granting an increase of pension to Thomas W. Murray—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23254) granting an increase of pension to William W. Brightman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23255) granting an increase of pension to Napoleon B. Moore—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 23256) granting a pension to Samuel H. Gebhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23257) granting an increase of pension to Calvin C. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23258) granting an increase of pension to John J. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23259) granting an increase of pension to J. M. Francis—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23260) granting an increase of pension to Thomas Wilkinson—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 23261) granting an increase of pension to George W. Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23262) granting an increase of pension to William Spatch—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23263) granting an increase of pension to Michael Downs—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23264) granting a pension to James W. Officer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23265) granting a pension to Henry Hilton—to the Committee on Pensions.

Also, a bill (H. R. 23266) granting an increase of pension to Samuel Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23267) granting an increase of pension to Franklin Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23268) granting an increase of pension to John N. Trimble—to the Committee on Pensions.

Also, a bill (H. R. 23269) granting an increase of pension to Samuel E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23270) granting an increase of pension to John Bogenschutz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23271) granting an increase of pension to Carmin Watkins—to the Committee on Pensions.

Also, a bill (H. R. 23272) granting an increase of pension to Samuel Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23273) granting an increase of pension to James R. Atkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23274) to correct the military record of McDonald Meade—to the Committee on Military Affairs.

Also, a bill (H. R. 23275) to correct the military record of James H. Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 23276) to correct the military record of James M. Morrow—to the Committee on Military Affairs.

Also, a bill (H. R. 23277) to correct the military record of John Hurst and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 23278) granting an increase of pension to James M. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23279) granting an increase of pension to D. H. Moore—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23280) granting an increase of pension to Bartholomew Burke—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 23281) granting an increase of pension to William T. Fisher—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 23282) granting an increase of pension to John W. Tumey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23283) granting an increase of pension to David D. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23284) granting an increase of pension to Albert M. Moore—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 23285) for the relief of M. N. Dominguez, of Brownsville, Tex.—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 23286) granting a pension to Sophia R. Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23287) granting an increase of pension to William T. Gullett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23288) for the relief of John Mason—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 23289) granting a pension to Rebecca Greenlee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23290) granting a pension to Sarah J. Boles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23291) granting an increase of pension to Francis M. Huston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23292) granting an increase of pension to C. E. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23293) granting an increase of pension to Amos S. Ladd—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 23294) granting a pension to F. M. Sampson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23295) granting an increase of pension to Grace Aram—to the Committee on Pensions.

Also, a bill (H. R. 23296) granting an increase of pension to George H. Blakeslee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23297) granting an increase of pension to Charles T. Smith—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23298) for the relief of Fredrick Hughson—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 23299) granting an increase of pension to Henry Goodlander—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 23300) granting an increase of pension to George W. Fletcher—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 23301) for the relief of H. E. Middleton & Son—to the Committee on Military Affairs.

By Mr. KEIFER: A bill (H. R. 23302) granting a pension to Samuel B. Dump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23303) granting a pension to Mary J. Rush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23304) granting an increase of pension to William W. Levering—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23305) granting an increase of pension to Bessie Sharp Pettit—to the Committee on Pensions.

Also, a bill (H. R. 23306) granting an increase of pension to James Mahaffey—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 23307) granting an increase of pension to Andrew Casey—to the Committee on Pensions.

By Mr. LITTAUER: A bill (H. R. 23308) granting an increase of pension to Harrison Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23309) granting an increase of pension to Thomas Durkee—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 23310) granting an increase of pension to Charles Palmer—to the Committee on Pensions.

Also, a bill (H. R. 23311) granting an increase of pension to Jeremiah Burke—to the Committee on Pensions.

Also, a bill (H. R. 23312) granting an increase of pension to William Lewis—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 23313) granting an in-

crease of pension to Benjamin D. Reed—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 23314) granting an increase of pension to Henry King Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23315) granting an increase of pension to Mary A. Marvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23316) granting an increase of pension to William G. Haynes—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 23317) granting an increase of pension to Elias Garrett—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 23318) granting a pension to James M. Childers—to the Committee on Pensions.

Also, a bill (H. R. 23319) granting a pension to Philip S. Day—to the Committee on Pensions.

Also, a bill (H. R. 23320) granting a pension to Thomas J. Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23321) granting a pension to Sylvester Hendrix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23322) granting an increase of pension to Franklin D. Allen—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 23323) granting an increase of pension to Robert Foote—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23324) authorizing the sale of certain land to the city of Buffalo, Wyo.—to the Committee on the Public Lands.

By Mr. MINOR: A bill (H. R. 23325) granting an increase of pension to Noah D. Lindsay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23326) granting an increase of pension to Ann Sprague—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 23327) granting an increase of pension to Paul Sheets—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 23328) granting an increase of pension to Thomas M. Farrell—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 23329) granting an increase of pension to E. Y. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23330) granting an increase of pension to William Ure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23331) granting an increase of pension to Samuel Holmes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23332) granting an increase of pension to Uriah Blair—to the Committee on Pensions.

Also, a bill (H. R. 23333) granting an increase of pension to Bradley Webster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23334) granting a pension to Hellen A. Duvall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23335) granting a pension to Jethro Carpenter—to the Committee on Pensions.

Also, a bill (H. R. 23336) granting an extension of Patent No. 426012—to the Committee on Patents.

By Mr. SHERMAN: A bill (H. R. 23337) granting an increase of pension to Susan McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23338) granting an increase of pension to John C. Thorn—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 23339) granting an increase of pension to Martha Louise Burnham—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23340) granting an increase of pension to Mary E. Alling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23341) granting an increase of pension to Asa L. Rees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23342) granting an increase of pension to James Hamrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23343) granting an increase of pension to William M. Harrod—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23344) granting an increase of pension to Isaac B. Hughey—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 23345) for the relief of the city of Glasgow, Mo.—to the Committee on Claims.

Also, a bill (H. R. 23346) for the relief of Dennis Sullivan—to the Committee on War Claims.

Also, a bill (H. R. 23347) for the relief of John Fischer—to the Committee on Claims.

Also, a bill (H. R. 23348) granting a pension to Fred Wakefield—to the Committee on Pensions.

Also, a bill (H. R. 23349) granting a pension to Mary Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23350) granting a pension to Mary E. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23351) granting a pension to Leonidas H. Hightshoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23352) granting a pension to Orpha A. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23353) granting a pension to Charles W. Gist—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23354) granting an increase of pension to James A. Ellison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23355) granting an increase of pension to Thomas Cossins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23356) granting an increase of pension to George Richard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23357) granting an increase of pension to James M. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23358) granting an increase of pension to Robert J. Pray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23359) granting an increase of pension to Joseph Potts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23360) granting an increase of pension to Robert Hastie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23361) granting an increase of pension to James A. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23362) granting an increase of pension to Elbert Nugent—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 23363) granting an increase of pension to Louis Sherard—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 23364) granting a pension to Mary Ann Whittaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23365) granting an increase of pension to William Seitz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23366) granting an increase of pension to August Maffert—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 23367) granting an increase of pension to Asa A. Gardner—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 23368) granting a pension to Patrick McGrain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23369) granting an increase of pension to Stephen Loranger—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 23370) for the relief of the estate of Thomas G. Morrison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23371) granting an increase of pension to Clark Crecelius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23372) granting an increase of pension to Smith McCallister—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 23373) granting a pension to John Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23374) granting a pension to Rose A. Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23375) granting an increase of pension to Jeremiah Wall—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9714) granting an increase of pension to George Wood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22610) granting an increase of pension to Margaret C. Storts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22637) granting an increase of pension to William A. Buchanan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23167) granting an increase of pension to Jacob Amberg—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Washington Board of Trade, against change of names of avenues as established in original plans—to the Committee on the District of Columbia.

Also, petition of General Assembly of the Presbyterian Church, against appropriation of public funds for sectarian purposes—to the Committee on Appropriations.

Also, petition of General Assembly of Presbyterian Church in United States, for constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

Also, petition of Inland Waterway Association, for action relative to construction of a waterway from Norfolk, Va., to Beaufort Inlet, N. C.—to the Committee on Rivers and Harbors.

Also, petition of Carriage Builders' National Association, for regulation of tariff rates by a permanent commission—to the Committee on Ways and Means.

Also, petition of Twentieth Century Club, for repeal of law placing duty on works of art—to the Committee on Ways and Means.

Also, petition of Edward K. Lilikalani, for action on his claim to crown lands of Hawaii—to the Committee on the Judiciary.

Also, petition of Catholic Church Extension Society of the United States, relative to the relations of church and state in France—to the Committee on Foreign Affairs.

Also, petition of Pasadena Central Labor Council and other labor organizations, for passage of merchant marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Paper to accompany bill for relief of Theophilus Jones, James W. Milligan, Lucian B. Brewster, and John Vandegrift—to the Committee on Invalid Pensions.

Also, petition of Daily Tribune, Beaver Falls, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph V. Cumming—to the Committee on War Claims.

Also, petition of National Association of Colored Women, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of council of city of Cincinnati, Ohio, favoring appropriation for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of Willard Council, No. 46, Daughters of America, New Castle, Pa., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: Petition of G. W. Poer et al., for increase of pay of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of King Hardware Company, Atlanta, Ga., for legislation to prevent the jug trade in States or counties where prohibition prevails—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Western States Portland Cement Company, favoring bill to provide 2 cents per mile fare on all railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of New Jersey: Petition against application of the antitrust laws so as to militate against cooperation of small dealers—to the Committee on the Judiciary.

Also, petition of executive committee of the Inter-Church Conference on Federation for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petition of Charles K. Harris, of New York, relative to the extension of the copyright laws to devices adapted to reproduce musical works—to the Committee on Patents.

Also, petition of James Pollock, harbor master of the port of Philadelphia, relative to the deepening of the channel of the Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Andrew G. Austin Council, No. 67, of McKees Rocks, Pa., and Welcome Council, No. 134, of Pittsburg, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Edwin A. Abbey and 65 other artists, asking for the removal of duty on works of art—to the Committee on Ways and Means.

Also, resolution of Oakland Board of Trade, of Pittsburg, Pa., indorsing bill H. R. 19076, calling for increased compensation of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Carothers & Co., of Pittsburg, Pa., and of New York Produce Exchange Bank, urging that some action be taken at this session of Congress for the relief of the money markets of this country—to the Committee on Banking and Currency.

By Mr. BARTLETT: Petition of J. W. Burke & Co., of

Macon, Ga., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of American Artists for Free Art, against tariff on art works (bill H. R. 15268)—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of W. F. Robinson Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of The World, Lawrence, Kans., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William A. Green, as per bills S. 7149 and H. R. 21701, awarding travel pay as an officer in United States Volunteers in war service in Philippines—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Waterville Morning Sentinel, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of veteran soldiers of the civil war and war with Spain of Togus, Me., for restoration of army canteen—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Andrew J. Mullins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George J. Stultz—to the Committee on Pensions.

By Mr. CAPRON: Paper to accompany bill for relief of Patience G. Reddy—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary A. Pecor—to the Committee on Invalid Pensions.

Also, petition of The D. and W. Fuse Company, of Providence, R. I., in favor of increasing the pay of the corps of examiners in the Patent Office and of increasing the facilities for the transaction of business in said office—to the Committee on Appropriations.

Also, resolution of Local No. 133, U. T. W., of White Rock, R. I., in favor of the passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition and resolutions of Thomas A. Walton, teacher commercial department Pentecostal Collegiate Institute, of North Scituate, R. I.; Pawcatuck Council, No. 15, Junior Order United American Mechanics, of Shannock, R. I.; Miantonomah Council, No. 7, of Providence, R. I.; of Arthur L. Taylor, of Phenix, R. I., and of John G. Ulmer, principal of the Grammar School, Anthony, R. I.—to the Committee on Immigration and Naturalization.

Also, petition of Evening Times, Pawtucket, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CASSEL: Resolutions of Lancaster Council, No. 912, of Lancaster, Pa., and Intercourse Council, No. 650, Junior Order United American Mechanics, in favor of the passage of the immigration bill (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Petition of Milton Journal, Milton, Wis., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of Daily Eagle and Daily Times, Flushing, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of Elizabeth H. Brubaker and Duncan Cunningham—to the Committee on Invalid Pensions.

Also, petition of Valley Star Council, No. 60, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Eli B. Fleming—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Maynard—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Adaline Ploer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas H. Cook—to the Committee on Pensions.

Also, paper to accompany bill for relief of Dolly Bivens, A. J. James, et al.—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Republic, Rockford, Ill.—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Excelsior Homestead Progressive Association, against Asiatic coolies in Panama and for application of Chinese-exclusion act to Japanese—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of National Camp and Pennsylvania State Camp, Patriotic Order of Americans, favoring re-

striction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of New York Produce Exchange Bank, relative to the stringency of the money market—to the Committee on Banking and Currency.

Also, petition of Pride of the West Council, No. 157, of Allegheny, Pa., and Aspinwall Council, No. 238, of Aspinwall, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Sandusky Avenue Baptist Church, of Allegheny, Pa., for passage of a bill forbidding the sale of intoxicating liquors in Government buildings; also for the passage of the Littlefield-Carmack original-package bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of James Pollock, harbor master of the port of Philadelphia, relative to the deepening of the channel of Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Edwin A. Abbey and 65 other artists, for the placing of works of art on the free list—to the Committee on Ways and Means.

Also, petition of Oakland Board of Trade, of Pittsburg, Pa., indorsing bill H. R. 19076, for increasing pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petition of Scholl Printing Company, Chillicothe, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of directors of the Ship Owners' Association of the Pacific Coast, San Francisco, Cal.—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Atlantic Harbor, No. 77, American Association of Masters, Mates, and Pilots of Steam Vessels, Brooklyn, N. Y., for merchant marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Nelsonville, Ohio, Council, No. 108, Daughters of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Seattle Printing Pressmen's Union, for ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAY: Paper to accompany bill for relief of Frederick Hughton—to the Committee on War Claims.

By Mr. HAYES: Petition of California Miners' Association, favoring House bill relating to revision of section 2325 of the Revised Statutes of the United States, relative to location of claims of mineral lands—to the Committee on Mines and Mining.

Also, petition of F. J. Hipp et al., citizens of California, against cooly labor on Panama Canal; also that Chinese-exclusion act apply to Japanese—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Grace Aram—to the Committee on Pensions.

Also, petition of Excelsior Homestead Association, against employment of coolies in Panama Canal Zone, and that Chinese-exclusion act apply to Japanese—to the Committee on Foreign Affairs.

Also, petition of the Evening News, San Jose, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of George H. Blakeslee—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of certain officers of the Second Louisiana Volunteer Cavalry—to the Committee on Military Affairs.

Also, petition of Ben Harrison Council, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of California Promoters' Commission for improvement of California harbors—to the Committee on Rivers and Harbors.

Also, resolution of citizens of San Francisco, against stand taken by the President relative to matters concerning the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of Labor Council, of San Francisco, for exclusion of Asiatic laborers—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Resolution of conductors of Delaware and Hudson Railroad system, against passage of sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of railway employees of Chicago, Burlington and Quincy Railway, employed at Creston, Iowa, against passage of bill limiting hours of service of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of Gate City, Keokuk, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of locomotive engineers, Delaware and Hudson

system, against bill limiting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Citizens of Ringgold and Wayne counties, Iowa, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Petition of citizens of Nebraska, against tariff on art works (bill H. R. 15268)—to the Committee on Ways and Means.

By Mr. KAHN: Paper to accompany bill for relief of John F. Bishop, as per House bill 21701, for travel pay of officers of United States Volunteers in war service in Philippines—to the Committee on War Claims.

By Mr. KEIFER: Paper to accompany bill for relief of Frances F. Mower, widow of Carl K. Mower, as per House bill 21701, for travel pay of United States officers in war service in Philippines—to the Committee on War Claims.

By Mr. KENNEDY of Ohio: Petition of Morning Gleaner, Massillon, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Operative Plasterers' International Association, Philadelphia Board of Trade, and Wellsville Division, No. 289, Order of Railway Conductors, for the subsidy shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Boston, against the summary discharge of the Twenty-fifth United States Infantry—to the Committee on Military Affairs.

Also, petition of International Association Mechanics, Lodge No. 200, Youngstown, Ohio, for ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Legislative Committee of Pomona Grange, No. 62, Mount Nebo, Ohio, for legislation establishing parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Crescent Council, No. 10, Daughters of Liberty; General McPherson Council, No. 110; Lincoln Council, No. 16; Valley Forge Council, No. 179; New Waterford Council, No. 153; Pride of the East Council, No. 8; Paul Jones Council, No. 203; Diamond Council, No. 5; Ensign Bagley Council, No. 123; Thomas Jefferson Council, No. 100; Washington Council, No. 12, and Loyal Council, No. 22, Junior Order United American Mechanics, and Molly Pitcher Council, No. 10, Daughters of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Paper to accompany bill for relief of Middleton & Son—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Edgar F. Morris—to the Committee on Invalid Pensions.

Also, petition of Reunion and Daily Standard, Watertown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LACEY: Paper to accompany bill for relief of Franklin D. Allen—to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of Caroline Eckess, sister of Frank W. Eckess (House bill 21701), for travel pay of officer of United States Volunteers in war service in Philippines—to the Committee on War Claims.

Also, petition of Iowa Academy of Sciences, for the metric system—to the Committee on Ways and Means.

By Mr. LAFEEAN: Petition of Colonial Council, No. 605, Junior Order United American Mechanics, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of B. M. Root Company, York, Pa., against increase of rate of postage on trade publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. Morgan Smith Company, York, Pa., for appropriation of \$200,000 for hydrographic investigation of United States Geological Survey—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Charles P. Kibler—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: Petition of Clinton Publishing Company and the Dispatch, of Frankfort and Kokomo, Ind., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Liberty Bell Council, No. 5, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of Evening Journal, Pittsfield, Mass., and North Adams Transcript, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John N. Truden (bill H. R. 21701), for travel pay as United States volunteer

officer in war service in Philippines—to the Committee on War Claims.

By Mr. LINDSAY: Petition of Frank H. Lancaster, Publishers' League, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of Charles K. Harris, favoring that part of Senate bill 6330 protecting authors and composers of music from manufacturers of mechanical devices—to the Committee on Patents.

Also, petition of E. W. Ordway, for forest reservation in White Mountains—to the Committee on the Public Lands.

Also, petition of San Francisco Labor Council, against President's utterances in message regarding attitude of people of California toward Japanese—to the Committee on Foreign Affairs.

Also, petition of the State Water Supply Commission of New York, for appropriation for gauging of streams by the United States Geological Survey—to the Committee on Appropriations.

By Mr. LITTAUER: Papers to accompany bills for relief of Thomas Durkee and Harrison Hall—to the Committee on Invalid Pensions.

Also, petition of Daily Sun, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Papers to accompany bills for relief of Paul Sheets and Frederick Kriner—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of citizens of Iowa, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Petitions of Social Council, No. 31; Keystone Council, No. 114; Sherman Council, No. 20; Friendship Council, No. 2; Tranquillity Council, No. 23; Sweetwater Council, No. 61; Riceville Council, No. 41, and Watauga Council, No. 63, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of California Miners' Association, favoring House bill relative to revision of section 2325 of the Revised Statutes of the United States, relative to location of claims of mineral lands—to the Committee on Mines and Mining.

Also, petition of State Camp of New York and National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Santa Cruz Board of Trade, for increase of salaries of clerks in all first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Sentinel, Santa Cruz, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of St. Mark Literary and Musical Union, against the President's order discharging the Twenty-fifth United States Infantry, and for a reconsideration of the same—to the Committee on Military Affairs.

Also, petition of Egg Rock Council, No. 23, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Evening Telegram, Herkimer, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Council No. 1, Daughters of Liberty, Ilion, N. Y., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of John C. Thorn—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Susan M. Laughlan—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Business Men's Association of New Haven, Conn., for passage of House bill 9754, for reclassification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ansonia Sentinel, Ansonia, Conn., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Business Men's Association of New Haven, Conn., for appropriation for completion of harbor of refuge, Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, petition of Liberty Bell Council, No. 3, Junior Order United American Mechanics, of New Haven, Conn., favoring

restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce, New Haven, Conn., for improvement of harbor at New Haven—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of New Haven, Conn., for forest reservation in Southern Appalachian and White Mountains—to the Committee on Agriculture.

By Mr. SULLIVAN: Petition of Jamaica Plain News, and Christian Endeavor World, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of Times-Democrat, of Muskogee, Ind. T., and Columbus Citizen, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Ex-Soldiers and Sailors' Association of Franklin County, Ohio, for bill for increase of pensions—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of Union Sun, Lockport, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WELBORN: Petition of citizens of Saline and Lafayette counties, Mo., for appropriation for work on Missouri River—to the Committee on Rivers and Harbors.

Also, petition of the Leader, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of city of Glasgow, Mo.—to the Committee on War Claims.

By Mr. WILEY of Alabama: Petition of Montgomery Times, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of Knights of Columbus, Hancock, Mich., for a bill making October 12 of each year a public holiday, to be called "Columbus Day"—to the Committee on the Judiciary.

Also, petition of New York State Pharmaceutical Association, for reorganization of Medical Corps of United States Army—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 4, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The question was taken; and the motion was agreed to.

COMMITTEE APPOINTMENT.

THE SPEAKER. The Chair desires to announce the following committee appointment, which the Clerk will report.

The Clerk read as follows:

The Chair appoints Mr. ENGLEBRIGHT, of California, a member of the Committee on Mines and Mining in the place of Mr. Williamson, of Oregon, who has not appeared and taken his seat in this House.

THE SPEAKER. In connection with this appointment the Chair desires to say that Mr. Williamson was appointed as a member of the Committee on Mines and Mining at the beginning of the first session of this Congress. In accordance with the parliamentary law, as laid down in Jefferson's Manual, a Member-elect may be named on a committee before he has qualified. There are quite a number of early precedents in similar cases where Members had been appointed to committees before taking their seats and afterwards were removed from the committees by the Speaker because of nonappearance, and in order to make room for the appointment of other Members in their places. The Chair is inclined to the opinion on all of the precedents that this appointment is in harmony with the precedents, but prefers to say that if there be no objection the appointment will stand. [After a pause.] The Chair hears no objection.

WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken; and the motion was agreed to.

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

THE CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the rule. The Clerk will report the first bill.

The Clerk read as follows:

House resolution 225.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Chairman, I move that the committee take up the bill H. R. 19003, the omnibus bill.

Mr. MANN. Mr. Chairman, I ask for order. It is not possible to hear the motion of the gentleman from Pennsylvania or the bill to which he refers.

Mr. MAHON. It is the omnibus bill.

Mr. MANN. I would like to ask how the bill gets before the House?

The CHAIRMAN. The gentleman from Pennsylvania moves to take up the bill. It is not yet before the House.

The Clerk read as follows:

A bill (H. R. 19003) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims, under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes.

The CHAIRMAN. The question is, Will the committee take up this bill?

Mr. MANN. It has not been possible to hear at this place in the Hall what the motion is or what the bill is.

The CHAIRMAN. The motion is that the committee take up the bill the title of which has just been read.

Mr. SIMS. I would like to ask the chairman of the Committee on War Claims if this bill contains anything but the findings of the Court of Claims?

Mr. MAHON. And four miscellaneous claims.

The title of the bill was again reported.

Mr. SIMS. Mr. Chairman, I ask this question, and I would like to have a reply: Does this bill contain any items except those that have been passed on by the Court of Claims?

Mr. MAHON. I will tell you in a minute. There are four miscellaneous claims.

Mr. PAYNE. I would like to inquire of the gentleman from Pennsylvania if he can tell us where a copy of this bill can be obtained. I sent to the document room and there were none there.

Mr. MAHON. I will give the gentleman a copy.

Mr. SIMS. I understand the gentleman to say that there are four claims that have not been passed upon by the Court of Claims?

Mr. MAHON. There are six miscellaneous claims.

Mr. SIMS. That have not been passed upon by the Court of Claims?

Mr. MAHON. Yes.

Mr. SIMS. Does this bill propose to refer these to the court to pass upon or to make the appropriation for them direct?

Mr. MAHON. The facts as to what is due to these people have been ascertained in the Departments, and it is not necessary to send them to the court.

Mr. SIMS. Does the report show what each of these claims is for—what they are? I have been unable to see what they are for.

Mr. MAHON. Yes, sir. I will have the reports read when we reach them.

The CHAIRMAN. The question is, Shall the bill be taken up?

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Is the motion subject to debate?

Mr. GROSVENOR. I make the point of order that the bill is now in order, and it is not necessary to vote upon the question of taking up the bill. The bill comes up on the call of the Chairman and is now before the House.

The CHAIRMAN. The bill is not the first bill on the Calendar.

Mr. GROSVENOR. I make the point of order that the committee has the right to call up any of the bills on the Calendar, not necessarily in the order in which they stand on the Calendar, but the order in which they shall be called is to be determined by the Chairman.

Mr. MAHON. I make this motion because the first bill on the Calendar is one to refer a matter to the Court of Claims, introduced by Mr. HAUGEN, of Iowa. He is not in the House. The next bill is one in which Mr. FULKERSON, of Missouri, is much interested, and Mr. FULKERSON is not here. This bill comes third, so I have called it up.

The CHAIRMAN. The question is, Shall the bill be taken up? The question was taken; and the motion was agreed to.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded to report the bill.

Mr. MAHON. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. PAYNE. I hope we will have better order. It is impossible to hear what is going on.

The CHAIRMAN. The gentleman from Pennsylvania asks

unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Chairman, as it is not possible to obtain a copy of the bill, I object.

The bill was read at length.

During the reading—

Mr. MANN. Mr. Chairman, I ask unanimous consent to dispense with the further first reading of the bill.

Mr. GROSVENOR. I object, Mr. Chairman.

The Clerk resumed and completed the reading of the bill, and then proceeded to read the committee amendments.

Mr. MANN. Mr. Chairman, is this a part of the first reading of the bill?

The CHAIRMAN. This completes the first reading of the bill.

Mr. MANN. Has the first reading of the bill been completed? The CHAIRMAN. Yes; it has.

Mr. MANN. Mr. Chairman, I wish to make a point of order on this bill, or so much of it as relates to the French spoliation claims, on the ground that the Committee on War Claims has no jurisdiction to report a bill of this sort, it being a private bill and subject to a point of order at this time.

I may say, Mr. Chairman, that the rules provide that all bills carrying private or domestic claims and demands, other than war claims against the United States, shall be referred to the Committee on Claims. Bills providing for claims arising from any war in which the United States has been engaged shall be referred to the Committee on War Claims.

It has been the universal custom and practice in the House that bills providing for the payment of French spoliation claims shall be referred to the Committee on Claims and not to the Committee on War Claims. Now, I insist that the Committee on War Claims can not enlarge its jurisdiction in violation of the rules of the House because a bill may be introduced carrying one claim properly referable to that committee, but including a large number of claims properly referable to the Committee on Claims. If that could be allowed, any committee dealing with private bills could obtain jurisdiction of any kind of a bill by putting one section in the bill properly referable to that committee, and including in the bill a number of things properly referable to some other committee. I understand, of course, the reason that is given in this case. It has been the custom and the practice heretofore that when the House passed an omnibus war-claims bill and it went to the Senate, that the Senate amended the bill, as it had a right to do, by adding to that bill French spoliation claims. But that is a matter that deals with the rules of the Senate, with which we have nothing to do, and we have the right, I think, to insist that where one committee has for years entertained jurisdiction over these claims, perhaps favoring or disfavoring certain of them, that that committee shall retain the jurisdiction which the rules give to the committee and not have the jurisdiction taken by another committee, no matter what the reason may be, and no matter how justifiable that reason may seem. If the Committee on War Claims think they ought to have jurisdiction of French spoliation claims, then they ought to ask for the amendment of the rules of the House and have these claims sent to their committee, instead of to the committee that the rules now provide for.

Mr. MAHON. Mr. Chairman, I have no disagreement with the gentleman about the technical correctness of the point of order which he makes. I do not think the Committee on Claims of this House, since I have been a Member, during the last fourteen years, have ever reported a French spoliation claim to the House. The Senate has one Committee on Claims, which handles all claims presented before that body. When we pass an omnibus bill, they put these French spoliation claims on, as they did during the last Congress. Then we go into conference, and the conference committee, consisting of members of the War Claims Committee of the House, must take up these French spoliation claims. There was a long contest in the last Congress over a lot of these claims, which were stricken out until we knew more about them. We thought they needed careful investigation. Now, the committee took up those claims and examined them carefully. They did not have them all in here. We put them in the bill, so that when we get to conference the House Committee on War Claims will be familiar with them. Now, it was only out of due precaution that this was done, knowing that any French spoliation claims which were put on the bill in the Senate would in conference go to the Committee on War Claims of the House eventually. If the gentleman insists on his point of order, he is right, and I do not object to it. The Senate will put these claims in the bill.

Mr. GAINES of Tennessee. Mr. Chairman, I make the point of order that the point of order of the gentleman from Illinois

[Mr. MANN] comes too late. I do not know much about parliamentary law, but recall that a few days ago we had a similar question up. A bill had been improperly referred to a committee, which reported. A similar point of order was made, and the Speaker, as I recall it, ruled that the point of order came too late.

Mr. MANN. Will my distinguished friend permit me to make a suggestion?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. The gentleman is talking about a public bill, with reference to which one rule prevails; but this is a private bill, in reference to which another and an entirely different rule prevails. The point of order does not come too late on a private bill.

The CHAIRMAN. The Chair will state the time to make the point of order is after the bill has been read, and the gentleman from Illinois [Mr. MANN] made the point of order in sufficient time.

Mr. MAHON. It is only a question of procedure, Mr. Chairman. I have no objection to the gentleman's point of order.

The CHAIRMAN. In the opinion of the Chair, there is no question that such portion of the bill as relates to the French spoliation claims belongs properly to the jurisdiction of the Committee on Claims, and for that reason the Chair will sustain the point of order of the gentleman from Illinois [Mr. MANN], and order those portions of the bill relating to French spoliation claims to be stricken from the bill. Can the gentleman from Pennsylvania indicate that portion of the bill relating to French spoliation claims?

Mr. MAHON. Yes; it will be found on page 25, commencing with line 17, and from that on to the end of the bill.

The CHAIRMAN. The Clerk will now read the bill by paragraphs for amendment.

Mr. MANN. Oh, Mr. Chairman, one moment. Does the gentleman from Pennsylvania [Mr. MAHON] desire to consume any of his time? If not, I desire to take the floor.

Mr. MAHON. This bill is all one section and will have to be read first, and then we will take the bill up for amendment.

Mr. MANN. I am talking about general debate.

Mr. MAHON. I mean that we will have to read the bill the second time. It is only one section.

Mr. MANN. But the gentleman understands that after the bill has been read for amendment he can cut off debate in ten minutes' time.

Mr. MAHON. Well, go ahead. If the gentleman wants to kill it, I say kill it; I do not care.

Mr. MANN. Oh, I want to get some information about the bill.

Mr. MAHON. I am ready to give it to the gentleman.

Mr. MANN. If the gentleman desires to occupy his time—

Mr. MAHON. I will take the floor in my own right. How much time does the gentleman from Illinois want?

Mr. MANN. Oh, I am not asking the gentleman for any time for myself.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MANN. It seems to me, Mr. Chairman, that we ought to have some explanation of the bill.

Mr. MAHON. Mr. Chairman, the first part of the bill is made up of findings of the Court of Claims for stores and supplies under the Bowman Act and for property rented under the Tucker Act. Under these two acts of Congress, by resolution, these claims have been sent by Congress to the Court of Claims to ascertain the facts. After the Court of Claims has investigated them and has found the facts, they have been reported back to this House, and they were then referred to the Committee on War Claims. Of course we included them in the bill. The French spoliation claims have gone out.

Mr. Chairman, I now reserve the balance of my time.

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

Mr. MAHON. Yes.

Mr. MANN. I would like to ask the gentleman, in view of the fact that there can be no debate practically upon the bill under the five-minute rule, if he will explain to us these miscellaneous claims that are in the bill?

Mr. MAHON. I will yield to the gentleman when we reach them, if he wants to find out.

Mr. MANN. The gentleman understands that he will have no time to yield when the claims are reached, and that anybody can offer an amendment.

Mr. MAHON. Let the gentleman take the floor. I reserve the balance of my time. Let the gentleman attack any claim in this bill, and I will reply to him in due season. Let him go ahead, and I will ask him questions in his time.

Mr. MANN. Mr. Chairman, it is a remarkable circumstance

that the chairman of the committee, distinguished as he is, the gentleman from Pennsylvania [Mr. MAHON], bringing a bill into the House covering a large number of claims, involving nearly a million of dollars, declines to explain any one item in the bill in his own time. I say it is a remarkable circumstance. Nobody in the House knows what these claims are unless it be the distinguished gentleman from Pennsylvania and the members of his committee. It was impossible to obtain a copy of the bill this morning from the document room for a considerable length of time. I asked for a copy of this bill in the document room days or weeks ago and obtained no copy. Yet, when the bill is presented to the House, our distinguished chairman of that committee declines to explain an item in the bill in the presentation of the bill to the House.

Mr. MAHON. Mr. Chairman, I would ask the gentleman what item he wants me to explain. It will take me five hours to explain every one.

Mr. MANN. I asked the gentleman to explain, for instance, the miscellaneous claims which have been allowed by no court, which have been passed upon by nobody, so far as I know, which are not referred to specifically in any way in the report of the committee, which have not a word of explanation in the report of the committee, which carry thousands of dollars. Who knows what those claims are for? Nobody in the House, unless it be the distinguished gentleman from Pennsylvania, and he declines to explain the claims.

Mr. MAHON. Mr. Chairman, I will explain it in my own way and in my own time.

Mr. MANN. I suppose so.

Mr. MAHON. This bill carries a great many claims, and I do not propose to explain any court findings of seven judges. If the gentleman wants any information we have the findings of the court on every one of these court claims.

Mr. MANN. The gentleman can not consume my time, having declined to use his own time.

Mr. MAHON. Go ahead, I understand the gentleman's purpose fully.

Mr. MANN. The gentleman says he will explain these claims after I have called attention to them. It is the duty of the gentleman to explain the claims when he brings the bill into the House and when the question is asked of him. It is not the duty of the chairman to present the bill and wait until somebody else points to a specific provision of the bill before he is willing to make explanation of it. Here is a claim on page 34 of the bill which I know, providing that there shall be paid to the legal representatives of Samuel Schiffer, deceased, New York County, N. Y., \$73,022.46. What is it for? A legal claim? No. Any reason given for the payment of the claim? No. Any report made by the committee showing why the claim should be paid? No. Any line in the report on the subject? No. Any explanation by the chairman of the committee bringing in the bill? No. What is the claim? It is a gratuity proposed to be paid by the Government. Has it ever been referred to the Committee on Claims under the Bowman Act? No. Has it ever been referred to the Court of Claims under the Tucker Act? No. Has it ever been passed upon by the House favorably? No. What right has that claim in the bill? The distinguished gentleman from Pennsylvania says that this bill covers claims which have been passed upon by the Court of Claims. There are hundreds of claims pending in this House not yet passed upon by the Court of Claims which the gentleman from Pennsylvania and his committee decline to put in this bill. Why did they put this claim in? I do not wonder the gentleman from Pennsylvania did not explain the claim in the first instance. It will be a difficult matter to give any reasonable explanation for putting it in the bill. The man, Mr. Schiffer, has no claim against the Government. He is entitled to not the payment of a dollar. He had his claim adjudicated by the Court of Claims and it was thrown out of court. His claim went to the Supreme Court of the United States and was thrown out by that court, and yet the Committee on War Claims brings that claim to the House in an omnibus bill and proposes, without a word of explanation, to pay the heirs of this man or his estate \$73,000.

Mr. GARRETT. What was his claim?

Mr. MANN. His claim arose in this way. He went South and bought cotton during the war. Cotton had been accepted by the Government from various people in the South, and the cotton having been turned over to the Government, he bought their certificates. Of course they received the money. The Supreme Court and the Court of Claims held that under the circumstances he was not entitled to be dealing in cotton, that he had no right to be there buying cotton, that he was not entitled to maintain any claim against the Government in reference to the cotton. I do not know whether he ought to have been paid

any money or not. He presented his case to the Court of Claims of the United States and it was rejected. His claim went to the Supreme Court of the United States on appeal and the rejection was sustained, and yet without a line in the report, without a word given to the House in defense of the claim in an omnibus claim bill, lined up by States, so as to make it difficult for Members of the House to vote against it, because they would be voting against the interest of some constituent of their State, this claim is brought into the House, as rank and unjust a claim, in my opinion, so far as its present status is concerned, as could be well imagined.

Now, there are other of the miscellaneous claims. I do not know what they are. I happened to see, by a mere accident probably, this claim under the head of "Miscellaneous Claims"—the first one—and I happened to remember that I had read some report somewhere in reference to the Schiffer claim and had the information. I do not recognize the other claims, but no explanation is offered of those.

The gentleman from Pennsylvania [Mr. MAHON] would have us believe, however, he ought to give no explanation of any of the claims allowed by the Court of Claims under the Bowman Act. Mr. Chairman, it is a fortunate circumstance in our country that the American people, as a rule, are perfectly willing to accept the judgment of the court as decisive upon any proposition properly submitted to that court. And hence when we see that the Court of Claims has allowed a claim after a hearing, the disposition of Congress is to pay the claim, supposing that the Court of Claims has carefully considered it, has disposed of it upon its merits, and that the Court of Claims has declared upon the merits of the case, and that the Government owes the money.

What was the Bowman Act under which these claims are referred to the Committee on Claims? The Bowman Act was passed in 1883, and provided:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

The Court of Claims practically passes simply upon the papers which are presented when the claim is filed with Congress. It would be a peculiarly constituted court, passing merely upon the papers laid before it by the plaintiff, that did not find a case in favor of the plaintiff. It would be a peculiar court, passing upon claims upon papers presented by the claimant, who did not find facts in favor of the plaintiff. It is true that under this act the Attorney-General of the United States is authorized to appear in defense. It is also true that under the Bowman Act claims which have been allowed by that court have been universally considered of little validity so far as final judgment was concerned. It was the custom for years, or some time, at least, under this act, for different departments of the Government which were given the same authority as the committee to refer claims under the Bowman Act for adjudication, and I think it has been the universal, or the uniform, history of Congress never to permit any of those claims to be included in an appropriation bill, although a mere claim audited by the department can go into a deficiency bill. These claims have no standing so far as an adjudication is concerned. It is merely the same as though the committee should report the facts in the case. If the committee has obtained facts through the Court of Claims which the committee might have obtained itself, of course those facts should have been given to Congress. The House of Representatives and the members are entitled to know what the facts are in reference to these claims. I notice—

Mr. GARRETT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT. Do I understand that on claims which are referred under the Bowman Act no additional proof is taken—nothing except just ex parte statements that are sent over?

Mr. MANN. No additional proof is required.

Mr. GARRETT. But when the Government attorney appears there he has the right to take evidence, has he not?

Mr. MANN. I presume so.

Mr. GRONNA. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GRONNA. Has this particular claim been referred to the Court of Claims?

Mr. MANN. This claim I referred to, the Schiffer claim, has not been referred to the Court of Claims. It was originally brought before the Court of Claims under a law allowing the same to be brought there, and was thrown out, as I understand

it. It never has been referred to the Court of Claims. Now, there are other of these miscellaneous claims. Here is one to a gentleman by the name of J. B. Orbison, of Butler County, Pa., \$300, being the sum unlawfully collected from him by the board of enrollment in 1863. Also the same amount to William G. Keats, of Walworth County, Wis. There are a number of these claims pending before the Committee on War Claims, some of which they have reported favorably upon. Why does the committee take out those two claims and put them in this bill and leave other claims for the future tender consideration of special bills?

Mr. Chairman, I reserve the balance of my time.

Mr. MAHON. I want to answer the gentleman's question on that. We have a great many that we refuse to report, because there is no merit in the cases. These are the only two that the committee are willing to report.

Mr. MANN. Are these the only two that the gentleman's committee has reported?

Mr. MAHON. The balance we have refused to report, because they had no merit.

Mr. MANN. Of course, I take the gentleman's statement. I was under the impression that the committee had already reported some other claims besides these two. I thought the committee had reported a claim of a man in Missouri for \$300 for money which they claimed was unlawfully collected from him.

Mr. OTJEN. Mr. Chairman, as the honorable gentleman from Illinois has criticised the Schiffer claim, I ask that the report be read for the information of the committee during my time.

The CHAIRMAN. Without objection, the report will be read in the gentleman's time.

Mr. MANN. I would ask the gentleman what report he is going to have read?

Mr. OTJEN. It is on the claim of Samuel Schiffer.

Mr. MANN. I have examined the report on this bill, and find nothing in it referring to the Schiffer claim.

Mr. OTJEN. There was a separate report made on it, and I think if the gentleman had been diligent he could have found it.

Mr. MANN. I do not want the House to understand, after I have said that there was nothing in the report of this bill on that subject, that the gentleman was having read the report on this bill.

Mr. OTJEN. The report on this bill does not bear on the Schiffer claim. This was separately reported.

Mr. MANN. I found that report.

Mr. OTJEN. I ask for the reading of the report.

The report was read as follows:

[To accompany H. R. 16201.]

The Committee on War Claims, to whom was referred the bill (H. R. 16201) for the relief of the legal representatives of Samuel Schiffer, deceased, submit the following report:

A favorable report on this case was made by this committee in the Fifty-eighth Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

Your committee recommend the passage of the bill.

[House Report No. 116, Fifty-eighth Congress, second session.]

The Committee on War Claims, to whom was referred House bill 5990, respectfully submit the following report, and also refer to House Report No. 4041, Fifty-first Congress, second session, for the full text of certain documents herein quoted.

Prior to the war of the rebellion the late firm of Schiffer & Co. were largely engaged in the cotton trade, with extensive southern connections, especially in and about Savannah. When the war broke out many southern merchants were heavily indebted to them.

It was generally understood at this time, by both the citizens and the Federal authorities, that the permanent occupation of belligerent territory restored the freedom of business intercourse between its citizens and those of the North. This is evidenced by the policy adopted by the Government of appointing an agent for the purpose of collecting property in such territory and of recognizing and encouraging permits to purchase issued by such agent. Millions of dollars of such transactions were finally consummated under circumstances identical with those in this case, and it was not until the Supreme Court rendered its decision in the case of Lane (8 Wall., 185), December 29, 1869, that it was discovered that the nonintercourse laws, which were not penal in character, had been violated thereby. In many of these transactions the Government had a direct pecuniary interest, to the extent of one-fourth of the profits, and in all it profited by the consummation of its political policy. The President himself was a party to these illegal proceedings, and in these very cases issued a permit, pass, or license to Schiffer's agents, guaranteeing them safe conduct in locating and acquiring cotton "to be purchased near Savannah, Ga., and brought through the Federal lines. The parties to this transaction were Hanson A. Risley, "an authorized agent of the Treasury Department," and Abraham Lincoln on the one part and J. Schiffer & Co. and James B. Stewart on the other. No suggestion of bad faith or moral turpitude can be made against one party without impugning the other.

When Schiffer's agents reached Savannah early in 1865 they found all of the cotton in that neighborhood nominally seized by the military forces. The provost-marshall had directed all owners of cotton to report the same to him, and it was being then transported to New York as rapidly as vessels for that purpose could be secured.

In this state of affairs Schiffer's agents made purchases from fifteen different parties of their rights to the proceeds of their cotton when sold, in consideration therefor canceling the indebtedness of such parties to them and paying them the balance, when any, in cash.

The loyalty of these fifteen original owners is fully established in suits brought in the Court of Claims.

The cotton was sold in New York by Simeon Draper, the selling agent of the Government, and the proceeds, less expenses, were deposited in the Treasury to the credit of the "Abandoned and captured property fund," where it still remains.

The original owners of the cotton instituted suits in the Court of Claims in their own names for the use of Schiffer & Co., under the provisions of the act of Congress approved March 12, 1863. One case only came to trial, that of Solomon Cutner. (6 Ct. Cls., 415; 17 Wall., 517.) The Supreme Court summarily disposed of the case by saying that intercourse between the inhabitants of the belligerent sections was still prohibited when the sales were consummated, in March, 1865, and was therefore clearly illegal. It said:

"The sale being illegal, suit can not be sustained for the benefit of the vendees. It can not be sustained for Cutner's own benefit because he received the full consideration of the cotton, and had no interest remaining."

It is hard to understand how a transaction between these claimants and Schiffer, which could not legally invest the latter with title, was yet sufficient to divest title from the former, and it is still more difficult to understand upon what authority a transaction of this kind could be held to have invested the United States with title to this property—legal, equitable, or moral. Upon every consideration of equity and sound morality the proceeds of this cotton belonged to either Schiffer or the original claimants, and the latter having received full consideration for their property, and no longer making any claim thereto, Schiffer's equitable rights became paramount.

It should be borne in mind that the act of 1863 was in no sense a penal one, and that there could be no confiscation thereunder. It was, on the contrary, a remedial statute, pure and simple, the sole purpose of which was the preservation of property rights.

But for the accident of Schiffer's place of residence he would have recovered in the Court of Claims. After the President's proclamation of amnesty he would have recovered even if he had lived south of Mason and Dixon's line, had been in active rebellion against the Government, and red-handed in secession instead of a devoted Union man.

Your committee can see no sound reason in law, equity, or good morals why a geographical residence, either North or South, should, at this time, work a forfeiture to or confiscation by the Government of any property, and especially of property which was acquired as this was, by the active connivance of the Government, and where there is no suggestion of any intentional wrongdoing, but, on the contrary, an admittedly honest mistake on both sides.

The nonintercourse laws grew out of the necessities and perils which beset the Government during the war of the rebellion. These necessities and dangers are now long since happily past, and it is, in the opinion of your committee, now only just and proper that a less stringent application of these laws should be applied. Technically, there was a violation of the law, to which both Schiffer and the Government authorities, including President Lincoln, were parties. These technical defenses should now be waived by the Government and restitution made of property to which it has no shadow of title, to the heirs of him who is entitled to every equitable consideration.

In the original fifteen suits brought in the Court of Claims the records are voluminous and the proof conclusive as to all the material facts, including the loyalty of the original owners of the cotton. The suits are as follows: Kesiah Hall, No. 2827; Abraham Leffler, No. 2829; Morris Rich, No. 2832; John Ruckert, No. 2833; A. Fawcett, No. 2834; John Elkan, No. 2835; Mary Haley, No. 2836; A. B. Wissolowski, No. 2838; Lewis Levl, No. 2839; Raphael Cohen, No. 2840; Solomon Cutner, No. 2841; L. Hohenstein, No. 2845; Hannah Kenney, No. 3444; Hannah Fowler, No. 3445, and S. W. Silverhill, No. 3447.

The aggregate amount of the proceeds of the cotton now in the Treasury, according to the official report, is \$73,022.46.

Your committee therefore recommend the passage of the bill authorizing the Secretary of the Treasury to pay this amount to the party equitably entitled thereto.

Mr. OTJEN. Mr. Chairman, I reserve the balance of my time.

Mr. MAHON. Mr. Chairman—

Mr. HEPBURN. Will the gentleman allow me just a moment to ask a question of the gentleman from Wisconsin?

Mr. MAHON. Certainly.

Mr. HEPBURN. As I understand this last report, it is alleged that the original owners of this cotton were people who could and did establish their loyalty; that the proceeds of this cotton when sold by Draper in New York were covered into the Treasury and are now in the Treasury. Do I understand those to be the facts?

Mr. OTJEN. I understand those to be the facts.

Mr. HEPBURN. Now I want to know, if that is true, why they can not recover this amount from the Secretary of the Treasury without any act of Congress or without any action at law, in the Court of Claims, simply upon the establishment of these facts? The law as it exists to-day is ample for that purpose. If it is true that the loyalty of the original owners was established, that this cotton was seized by the Government and it went into the hands of this gentleman, Draper, that it was converted into money and by him covered into the Treasury, there is ample legislation now for the recovery; for these are the essential facts that must be established to authorize the Secretary of the Treasury, without any other legislation than that which now exists, to make payment.

Mr. OTJEN. This report was made by the gentleman from Pennsylvania [Mr. MAHON], who is more familiar with it than I am, and I yield to him to answer that question.

Mr. MAHON. Mr. Chairman, I reported this bill during the last Congress and this one. I did not know Mr. Schiffer or his wife or children; but I am ready to stand by my report. If there is anyone in the United States who is entitled to this money, it is the wife of Mr. Schiffer and his children. In answer to the question of my friend, I will say that he knows

as well as I know that Congress may pass laws and the Treasury officials will interpret them, and very frequently the effect of their interpretation is to repeal the laws of Congress and to make laws. They actually refuse to pay these claims unless Congress appropriates the money for it, and the money has been paid into the Treasury. What are the facts in this case? They are simply these: That this man was doing a large business in New York when the war broke out. There were reasons, Mr. Chairman, why Schiffer should get this cotton north. The more cotton we got into our ports the less was left for the blockade runners to carry to England and bring back gold to the Confederate States. Mr. Schiffer, under a permit given by the President and signed by the officers of the Treasury, was authorized to go down South and attempt to collect his debts and take it in cotton, which he did, losing a large amount. The only embargo was that he should deal with loyal men, and he dealt with fifteen old debtors that were found, not by the Court of Claims, but by the Supreme Court of the United States, to have been loyal. Now, then, the Treasury Department refuses to pay him this money, although the officials state that it has been in the Treasury for years, and if interest were to be paid upon it it would be three times the amount that it is now proposed to pay him. He went into the Supreme Court, where all the facts were found as stated. The fact was found that this money was in the Treasury, but the objection was raised in the court that he had violated the nonintercourse act. He knew nothing of it. It appears that President Lincoln knew nothing of it, and neither his Secretary of War nor the Commanding General knew anything of it. The violation of this act was the only reason which actuated the Supreme Court in refusing to render a judgment in his favor. Of course that decision was technically proper under the law, because the nonintercourse act stared him in the face.

Now, suppose he had lived in Georgia. Under the very same act of Congress General Sherman took \$27,000,000 worth of cotton, and after deducting the expenses of sale over \$16,000,000 were paid to men in the South. The nonintercourse act did not apply to southern men. That was their home. There are hundreds of cases where men in the Confederate army, men commanding brigades—Confederate brigadiers and Confederate colonels—were paid for cotton so taken. The question of loyalty was not raised against those men, because this was a trust fund. But when this man from New York comes into court, although these people who had been in rebellion against the Government received \$16,000,000 out of this fund in the Treasury, this technical objection was raised against him that he had violated the nonintercourse act. In the last Congress I presented the case of Capt. Warren Mitchell, an old captain in the Army, who had a claim of \$176,000. His claim passed this House and passed the Senate without a dissenting vote and the old man at last got his \$176,000 that this Government had held for nearly twenty-eight years.

Now, this man Schiffer comes to Congress and asks that this money be paid him. I defy the gentleman from Illinois [Mr. MANN] to point out any statement of mine in reference to this matter which is incorrect. The violation of the nonintercourse act was the only ground upon which the Supreme Court refused to allow judgment in favor of the claimant.

Mr. HEPBURN. Will the gentleman permit me?

Mr. MAHON. Yes.

Mr. HEPBURN. Has this claim been presented to the Treasury Department?

Mr. MAHON. Yes.

Mr. HEPBURN. What is the objection made by the Treasury Department?

Mr. MAHON. They turned him into court; told him to go to the Court of Claims. The case was sent there by the Department. It was tried by the Court of Claims and went to the Supreme Court, and all the facts are as I have stated. The Supreme Court refused to render judgment in favor of Mr. Schiffer because the nonintercourse law stared him in the face.

Mr. HEPBURN. The gentleman thinks that the Treasury Department, without some action of Congress, will refuse to make payments in cases like this? There is something in connection with this case that has not come to the knowledge of the gentleman, I am confident, because the Treasury Department has paid out millions of dollars in cases similar to this, as the facts are stated in this report. There are two essentials to entitle a man to secure his payment from the Treasury Department, namely, the establishment of the loyalty of the original owner of the cotton and that it went into the hands of Mr. Draper, the agent of the Government at New York, and that the proceeds from the sale of the cotton were by him covered into the Treasury. Any man who has a claim where these essential facts are shown can have his adjudication perfected in the

Treasury Department and receive his money. That is the state of the law, and I assert that millions of dollars have been paid under that statute upon circumstances such as are narrated in this report.

Mr. MAHON. Will the gentleman allow me to make an explanation?

Mr. HEPBURN. Yes.

Mr. MAHON. This property was taken under the captured and abandoned property act.

Mr. HEPBURN. Yes.

Mr. MAHON. And that act expired by its own limitation in 1880. This man was then after his money. It had not been paid him yet when that act expired, and that ended it so far as that was concerned. Not only Mr. Schiffer, but other men went into court to establish their claims. Now, this man would have received judgment in his favor if the nonintercourse act had not been pleaded by the United States attorney against him. There is no question about that. Other cases were pending. The question of loyalty had been raised. There are four millions of this money in the Treasury yet. The question of loyalty was raised, as I said, and during the time that trial was in court—I think it was the Cline case—during the time the Supreme Court had under consideration the question of loyalty, as to whether it should enter into securing this money or not, the act expired by the limitation placed upon it. The Supreme Court in the Cline case held, first, that that money paid into the Treasury was a trust fund; second, that as to any man in the South who had money in the Treasury disloyalty was no bar any more; that under the proclamation of President Johnson, of August, 1867, if that owner of funds in the Treasury took the oath of allegiance, he was restored to his political, personal, and property rights, and that was a property right that he had in that fund as a trust fund. I say this act expired in 1880. The Treasury will not pay it because the act is not in force. Now, this man comes to Congress. He went into the court. He was not afraid of the court. He has established his case beyond all peradventure, and I have no doubt the Supreme Court was sorry that they had to knock this old man out of court. I say that the merits of this case, the equity, and everything surrounding, entitles this old man to this money which is in the Treasury of the United States. They have already got part of his money that he can not get back. He must come to Congress for relief. It is for you to give it to him or to refuse him. This is the last of these cases, I think, in our committee. In the case of John Mitchell and of Vogel, the old German down in Virginia, this Congress has given relief, and this case is on the same footing.

Mr. MANN. The gentleman says the act expired in 1880.

Mr. MAHON. I think I am right about that.

Mr. MANN. It is a long time between the time this cotton was sold and 1880.

Mr. MAHON. Yes.

Mr. MANN. Why was not the claim presented during that time?

Mr. MAHON. Now, here is a resolution of Congress which I shall read:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys which have been received by any officer or employee(s) of the Government, or any Department thereof, from sales of captured and abandoned property in the late insurrectionary districts, under or under color of the several acts of Congress providing for the collection and sale of such property, and which have not already been actually covered into the Treasury, shall immediately be paid into the Treasury of the United States, together with any interest which has been received or accrued thereon.

SEC. 2. And be it further resolved, That if any officer or person having the custody, possession, or control of any money derived or arising from the sale or other disposition of any such property mentioned in the preceding section shall convert the same to his own use, or shall refuse or neglect for the space of thirty days next after the passage of this resolution to pay the same into the Treasury of the United States, or shall in any wise pay away or dispose of the same otherwise than by paying the same into the Treasury as aforesaid, shall be deemed and held guilty of embezzling the public money of the United States, and shall be punished therefor by imprisonment for a term of not more than ten years, and shall pay a fine equal to the sum so embezzled.

SEC. 3. And be it further resolved, That a sum of the proceeds of such sales not exceeding seventy-five thousand dollars is hereby appropriated for the payment of the necessary expenses incurred by or under the authority of the Secretary of the Treasury for incidental expenses in acting under the laws respecting the collection and disposition of captured and abandoned property, and for the necessary expenses of defending, in the discretion of the Secretary of the Treasury, such suits as have been brought against him or his agents in the premises, and for prosecuting suits in the United States for the recovery of such property, and for providing for the defense of the United States against suits for or in respect to such property in the Court of Claims.

They held a man had to go to the Court of Claims, whether right or wrong. This money, having been covered into the Treasury of the United States, can not be paid out except by an act of Congress.

Now, as to these other small cases, I might say that every omnibus bill passed through this House has carried miscella-

neous cases. This case would not be in this bill if the court had not found all the facts. The court has found all the facts about this bill. There is no use of sending it back to the court again, because the same plea would be raised against this old man as was raised before. Here is the case of Myron Powers, late a major of the Ninth Colored Infantry. He has a little bill, which this man is entitled to beyond all controversy—some four or five hundred dollars. Now, why send him to the Court of Claims? He would have to employ an attorney, and the Court of Claims would go to the War Department, and it would be purely a matter of record evidence. That is all. They would simply give the record to the Court of Claims that they have there now.

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

Mr. MAHON. Yes.

Mr. MANN. Why would it be necessary for an officer or an enlisted man in the Army to go to the Court of Claims to recover his traveling pay, which the law provides for and for which we appropriate?

Mr. MAHON. Why, the Department admits they owe him this money, but they will not give it to him unless we appropriate. They say they have no funds.

Mr. MANN. But we appropriate for such purposes. The Department pays out every year not only thousands, but yet the gentleman says that the Department admits that they have the money and will not pay. If that is the case as against this man, why would not the same be true as against the 55,000 other men in the Army?

Mr. MAHON. Well, that is no credit to the Government. I will say of the United States Government, as stated by Mr. Garfield, when a Member of this House, that the United States Government for her treatment of her private citizens, if she got her just deserts, would be wearing a striped suit and be in the penitentiary for life. The gentleman knows, I do not care how good a claim is or how honest it is, I do not care what equity it has, it is put on this Private Calendar of war claims and—

Mr. PAYNE. How long has it been since Garfield said that?

Mr. MAHON. When he was a Member of Congress. I can go and get it.

Mr. PAYNE. That is long before we had such a bill as an omnibus claim bill.

Mr. MAHON. I know that was the time when it went on the Private Calendar—

Mr. PAYNE. Was it not long before the House legislated for any payment of French spoliation claims?

Mr. MAHON. I do not know anything about that.

Mr. PAYNE. This kind of a bill was unknown to Congress at that time.

Mr. MAHON. Yes.

Mr. PAYNE. Does not the gentleman think if Garfield was here to-day he would condemn this kind of legislation, especially the omnibus claims bill that came back from another House at the last session?

Mr. MAHON. No; because Garfield of Ohio and the gentleman from New York look at claims in a different light.

Mr. MANN. Will the gentleman yield now for a question?

Mr. MAHON. Yes.

Mr. MANN. Is it not a fact, notwithstanding the quotation the gentleman has made from President Garfield, that any claim against the Government which is audited by any Department at once goes in the general deficiency bill?

Mr. MAHON. No, sir; not claims.

Mr. MANN. Well, the gentleman is wrong; more information is coming to him.

Mr. MAHON. Well, I have it and a good deal of it.

Mr. MANN. Any audited claim becomes in order on that bill, and they are all put on that bill, and they are put on it by the Committee on Appropriations.

Mr. MAHON. Certain claims audited by the War Department.

Mr. MANN. Of course claims which are not audited do not go on the bill.

Mr. MAHON. Why, there are thousands of claims in this country which the Treasury Department under the law could not take control of and would not.

Mr. MANN. The Department can audit any claim except possibly these war claims.

Mr. MAHON. Well, I have studied this business for fourteen years, and I think I know something about it.

Mr. MANN. These claims against the Government for which there is due authority of law to incur—

Mr. MAHON. Can the Treasury audit a Bowman Act claim for storage and supplies?

Mr. MANN. Why, certainly, they could audit a claim if authorized.

Mr. MAHON. Why do not they do it?

Mr. MANN. If there is any law for storing supplies, and they are paying them every day. There are supplies all over the United States which are not audited and paid.

Mr. MAHON. You provide the money for payments under the War Department for the fiscal year ending the 1st of July, and every dollar of unexpended money will go back into the Treasury on that date, and any claim not paid will come back to Congress.

Mr. MANN. The gentleman is again mistaken. The money does not go back the 1st of July.

Mr. MAHON. When does it go back?

Mr. MANN. Not for several years.

Mr. MAHON. Well, it gets there.

Mr. MANN. Well, the money does not go back into the Treasury for several years—until ample time is given to present claims and audit them. They pay these claims out of appropriations for previous years, and if the appropriations of previous years are exhausted they pay these claims in the general deficiency bill.

Mr. MAHON. Who passes on them?

Mr. MANN. And as to the gentleman's statement about that, there is no legal claim against the Government which can not be collected as easily as a claim can be collected against a private individual. I know an impression to the contrary prevails, but we provide methods for collecting all these claims, if they are legal claims.

Mr. MAHON. No, sir. You only provide in the case of the War Department for certain claims. You specify where the money shall be paid, do you not?

Mr. MANN. We make an appropriation. Of course the appropriation provides what the money is to be expended for, but one of the items is travel pay. The War Department has authority to allow travel pay; it not only has the authority to allow it, but is required to allow travel pay. Now, why? I do not say there may not be an instance where it was not legal, but what is the reason?

Mr. MAHON. Let me explain.

Mr. MANN. Certainly.

Mr. MAHON. When you go to an Auditor of the War Department, he may know the law and he may not, but very often—

Mr. MANN. That is the case with all of us.

Mr. MAHON. He either does know it or he does not know it. Then he takes it to the Comptroller, and he approves that finding. Right or wrong, from that Comptroller there is no appeal, and which is an outrage on the people of this Government who have dealings with that Department; and thousands of these cases have come up where auditors have turned them down unjustly and illegally, and the claimants have no place to go except to Congress.

Mr. MANN. The gentleman says there is no appeal from the Comptroller. Now, whoever has an appeal against the Government can present it to the Court of Claims, and that is an appeal from the Comptroller.

Mr. MAHON. I can tell the gentleman a good many claims that can not be appealed.

Mr. MANN. All legal claims against the Government, all evidences of indebtedness, which are legal in their character, every claim which could be sued upon against a private individual, except in the case of a tort, can be presented to the Court of Claims and allowed by the court and paid as a matter of cost—

Mr. MAHON. The gentleman forgets this fact that when this property was taken from loyal people the great civil war was sweeping over the country, the Departments were disorganized, and claims were turned down. This property was taken, the evidence could not be reached, time had gone by, and so they flooded Congress with claims, and Congress created what was known as "the Court of Claims" under the Bowman and Tucker acts. They send these claims there, and does the gentleman say they would render a judgment on a few affidavits, which no court would do? I take it that it is the gentleman's judgment that they do not render findings in that way. An official from the Attorney-General's office, who is a Deputy Attorney-General, is notified when the cases are to be tried, and the attorney for the claimant is on hand. The claimant must offer his evidence either by deposition or in some way, and then the Government has the right to go out and take depositions to show that his testimony is not true, and after a fair trial the Court of Claims renders a finding of fact. Now, what is a finding of facts? First, it is a jurisdictional fact that the claimant's loyalty has been proved beyond all question. If that is not proven it is the end of the case. Second, that the stores and supplies were taken. If not all he alleged to be taken, the court finds how much—what was the value of those supplies in

the market at the time they were taken. That is the next finding. Fourth, that the Government of the United States owes the man for stores and supplies furnished to the Army of the United States so many dollars. The court makes that report to Congress.

Now, neither Congress nor the committee could investigate all these claims. That is the trouble I have with this bill. Every time I bring it in the gentleman from Illinois [Mr. MANN] wants me to explain every little item. There are some 150 findings. I do not know anything about them. Congress said to the court, "You try the cases, ascertain the facts, and report back to Congress, and then we will appropriate for them." I would not like to report on these court's findings. The gentleman would not ask the Committee on War Claims to review the Court of Claims, would he? It would be disrespectful to the court. We do examine all of them; every one of these findings has been gone over carefully by the committee, and here they are. We do not propose to write every report,

Mr. MANN. The bunch of reports which the gentleman holds in his hands is not very large for the number of claims. It is not much bigger than the bill.

Mr. MAHON. I would say to the gentleman that here are the findings upon every case in this bill. If the gentleman desires any information as to court findings we can supply that information.

The Committee on War Claims are not going to review the court and are not going to reverse the court. They examine the findings, and if they are found to be in due form they place them in this bill for this House to consider. The committee do not care whether you pass the bill or do not. There is nothing personal in the matter to the committee. Can the gentleman tell me what percentage of those claims have passed? Just to show you what a good court you have, I will state that in the last five years that the average is not 4 per cent. They are taken up in this Court of Claims—

Mr. PAYNE. May I interrupt the gentleman at that point? Is that 4 per cent of the claims examined? There are thousands of claims that have been presented or referred to the court.

Mr. MAHON. That is what has been found by the court.

Mr. PAYNE. We see by the reports that there are thousands of cases that have gone there that have not been acted upon at all, and the committee say that the most of these will be finally rejected and some that they rejected; and it looks as though that 4 per cent was of the amount of claims that went to the Court of Claims—

Mr. MAHON. No.

Mr. PAYNE. Nine-tenths of which claims have not been acted upon by the court.

Mr. MANN. Will not my friend answer two questions at the same time? Is not the 4 per cent based upon the number of claims disposed of in this way, that a large number of claims are dismissed on motion without examination, and that you include that as a claim adjudicated?

Mr. MAHON. Yes; we do.

Mr. MANN. And that makes the 4 per cent of the claims, while the balance have never been prosecuted or the claims adjudicated.

Mr. MAHON. It is 4 per cent of all claims sent down for trial that are adjudicated. Now, it has been the policy for the last two or three years, when thousands of these bills have been introduced (in the last Congress there were 3,000 bills), we send them to the Court of Claims. The Attorney-General or his assistants go down there for their trial and whenever claims have reached a certain age they are dismissed. There will be over 1,200 cases dismissed this year because the claimants at this late day can not get the evidence to prove their claims. A great many have been dismissed. We send them there and that relieves the Member of Congress. When you send the claims to the Court of Claims, you are sending them to what may be known as the "Claim graveyard." Now, as to this claim of J. B. Orbison, of Butler County, the facts are that this was a colored man who wanted to enlist, and they would not muster him. They would not take him into the service, as there was no provision for enlisting colored men. The draft came along and they drafted him. They took from him the \$300, notwithstanding the fact that he claimed he was not subject to draft, which he was not, but still the Government took his \$300, and they have had it from that day to this; and we put that in this bill. This man is still living, a very old man. The Government took from him \$300 unlawfully and this committee wants you to pay it back.

Now, as to the case of William G. Keats, of Walworth County, Wis. They drafted him, although he was a foreigner, a man who had not become a citizen of the United States, which was a violation of the specific statute.

Mr. MANN. Did he live in the United States, was he protected by the United States, was he enjoying the benefits of the United States, and then too mean to go and protect it for the benefits which he enjoyed?

Mr. MAHON. That is no argument.

Mr. MANN. It is a very strong argument.

Mr. MAHON. It only appeals to prejudice.

Mr. MANN. It appeals to common sense, to common decency, and to patriotism.

Mr. MAHON. When the Government of the United States takes \$300 illegally from a man, I think it ought to do as the gentleman from Illinois would do, and the gentleman from Georgia [Mr. BARTLETT] would do, and every Member of this House would do—if you have found you have taken money illegally, unconsciously, you would pay it.

Mr. MANN. Has the return of the money to these claimants not been provided for by law where proof was given showing that they were illegal?

Mr. MAHON. No, sir.

Mr. MANN. The gentleman will not deny that. If the gentleman will read the report, I expect he will find that.

Mr. MAHON. That act expired long ago.

Mr. MANN. Well, I say the gentleman knows that there was such an act.

Mr. MAHON. This comes down to the question of whether the Government can afford to take money illegally; and this provision is that the Government restore the money without interest. Now, here is the case of the Rev. George W. C. Smith, late second lieutenant. I tried to pass the bill last Congress in reference to that; and these are the only cases that we have down there now.

During the war the War Department, or some authority having the right to do so, fixed the minimum of a regiment at 1,000 men. Every regiment raised during the war had to have ten full companies, making a thousand men. They commissioned the colonel, the major, the adjutant, the captains, the lieutenants, and the chaplain to raise the regiment. These men went through the States where they lived, recruited men and mustered them into the service. The regiments reached perhaps six or seven hundred in number when the draft came on, and local bounties being offered and men hard to get, here were a number of officers who had parts of regiments running from five to eight hundred, who were in the service five or six or seven months, and some of them more than a year, rendering service to the Government, and some of them in the field, but not being able to raise their full complement of a thousand. The War Department disbanded those regiments. They did not send the men home, but distributed them among other regiments to fill up old regiments and sent these officers home. This magnanimous War Department that the gentleman from Illinois [Mr. MANN] talks so much about, in its fairness, paid nothing to these officers for their services.

Mr. WALDO. Have all these claims in this bill been passed upon and judgment rendered for them by the Court of Claims?

Mr. MAHON. Yes; all but six small claims.

Mr. WALDO. Why have they not been sent to the Court of Claims?

Mr. MAHON. It would cost these men more to prosecute them in the Court of Claims than they are worth.

Now, that is this bill. You may pass it or defeat it as you please. The committee have discharged their duty, and have nothing personal in it except to see that this House pays these claimants what the courts say they are entitled to—pays Mr. Schiffer what he is absolutely entitled to in all fairness, and pays these six old soldiers their mileage and their pay for the time they were in the service of the Government.

Mr. MAHON. Will the gentleman explain any item in the bill at all in his own time?

Mr. MAHON. What item do you want explained?

Mr. MANN. I should like very much to have the gentleman explain the item on page 23:

To the Pennsylvania Company for insurance on lives and granting annuities, executor of Henry Etting, deceased, of Philadelphia County, \$665.86.

Mr. MAHON. I will have the Clerk read the finding of the Court of Claims in reference to that item. Would the gentleman like to have me do that?

Mr. MANN. If the gentleman desires to do it in that way.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 5, 1906.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the

United States Senate, under the act of March 3, 1887, known as the "Tucker Act."

I am, very respectfully, yours, JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. CHARLES W. FAIRBANKS,
President of the Senate.

[Court of Claims. Congressional case No. 10942-463. The Pennsylvania Company for Insurance on Lives and Granting Annuities, executor of Henry Etting, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for difference between sea pay and shore pay whilst claimant's decedent was serving as an officer in the Navy of the United States, to wit, a lieutenant, upon receiving and other ships belonging to the Navy was transmitted to the court by Senate resolution on the 4th day of June, 1902, referring Senate bill No. 5949, for proceedings and report under the provisions of the act of Congress approved March 3, 1887.

The case was brought to a hearing on its merits on the 4th day of December, 1905. Messrs. Pennebaker & Jones appeared for claimant, and the Attorney-General, by L. A. Pradt, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in its petition makes substantially the following allegations:

This claim was previously presented to the proper accounting officers of the Treasury Department for settlement and was allowed by such accounting officers under the decision of this court and of the Supreme Court of the United States in the case of Strong *v.* The United States (125 U. S., 656), the sum thus allowed being \$665.86. This action was reported to Congress by the Secretary of the Treasury in Senate Executive Document No. 144, Fifty-first Congress, first session. In appropriating for said allowance (and others of like character) Congress made the following proviso: "That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim." (Act approved September 30, 1890.)

Thereafter, pursuant to said proviso, the accounting officers readjusted said claim for such difference of pay, as the same had been settled under the said decision in United States *v.* Strong, and refused to allow that portion which accrued more than six years prior to July 17, 1886, the date on which the petition in the said case of Strong *v.* The United States was filed in the Court of Claims. Upon such readjustment there was found to be due, and then paid to claimant nothing out of said appropriation, and nothing, being the amount which accrued subsequent to July 16, 1880, and to which said proviso did not relate.

The accounting officers also found that the difference in pay between that received prior to July 16, 1880, and that to which claimant's decedent would have been entitled under the decision in The United States *v.* Strong had Congress not prohibited the payment of the same, was \$665.86.

Subsequent appropriation statutes have contained the same proviso, and the accounting officers of the Treasury, pursuant to said provisions, have continuously refused to allow this and other similar claims, and the same are still unpaid.

The court, upon the evidence and the report of the Treasury Department, and after considering briefs and arguments of counsel on both sides, makes the following

FINDING OF FACTS.

The claimant is a citizen of the United States and a resident of the county of Philadelphia, in the State of Pennsylvania, and is the executor of Henry Etting, deceased, whose claim, under decision of the Supreme Court of the United States in The United States *v.* Strong (125 U. S., 656), was adjusted by the accounting officers, reported to Congress, and appropriated for as alleged in the petition.

The amount found due the claimant by the accounting officers under said decision was \$665.86, and the amount paid claimant was nothing. The amount suspended under the proviso to the act of Congress approved September 30, 1890, and which still remains unpaid is \$665.86 (six hundred and sixty-five dollars and eighty-six cents).

Filed December 18, 1905.

A true copy of the finding of facts as filed by the court.

Test this 5th day of January, 1906.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. MANN. Mr. Chairman, if the gentleman will yield—

Mr. MAHON. Yes.

Mr. MANN. I know I am a little thickheaded and always was. I was born that way. I listened to the reading just as carefully as I could. Everybody else in the House may understand it, but I do not. The gentleman will pardon me for asking a question: Is this \$665.86 the amount that was barred by the six-year limitation or the amount that was not barred by the six-year limitation?

Mr. MAHON. I think it was the amount that was barred.

Mr. MANN. The report, I suppose, indicates that, but I could not tell by listening to it.

Mr. MAHON. The man is unquestionably entitled to his money. You can not plead the statute of limitations against the United States, and it is not fair to plead it on the other side.

Mr. MANN. Is this similar to the bill which has been reported from the gentleman's committee waiving the statute of limitations as to Army officers on longevity pay?

Mr. MAHON. This does not come under that.

Mr. MANN. I know; this is a naval matter.

Mr. MAHON. Yes.

Mr. MANN. But is this similar to that proposition?

Mr. MAHON. No. This man probably did not know his rights. He did not know about the statute of limitations, but

when he went to make application for his money they pleaded the statute of limitations against him.

Mr. MANN. It was not a case of pleading the statute of limitations. The law provided that he could file his claim, but that the claim must not extend back of six years. Now, does this propose practically to override that law?

Mr. MAHON. Yes; in a case like this, where we believe that the man acted in good faith, and that he ought to have judgment, and that he was not guilty of gross laches.

Mr. MANN. But we have absolutely nothing in the report as to whether he was guilty of laches or not.

Mr. MAHON. That is all the committee gets from the court—the finding of facts.

Mr. MANN. I hope the gentleman will not understand that in anything I say I intentionally criticise the committee. The Committee on War Claims has not only my profound respect, but most of the time, in considering these bill, my profound sympathy.

Mr. MAHON. I say let the gentleman move to strike it out. I have no objection.

Mr. MANN. I am trying to get at what these claims consist of.

Mr. MAHON. Of course when a man comes here to get relief limitations and all that do not enter into it. That is what he comes here for. This man probably did not know, and it is not supposed that all these men living in the United States who were in the service knew of all the laws of Congress. He no doubt did allow the statute to bar him. But I do not know whether the gentleman can point out a case where there is a statute which runs as against a claim of the Government of the United States. Let the gentleman be a revenue collector, and a claim be put in after six years, and the Government will raise the bar, but the Government will follow you for eighty years afterwards if they find out that you owe them a dollar and a half.

Mr. MANN. It never has followed me yet in that respect.

Mr. MAHON. It is pleading the bar of the statute on one side and not upon the other, and in cases of this kind we do not say that the bar does not run, but these men come to Congress and they go to court, and they get the facts before Congress and the court. We act on principles of equity—does the Government owe this money to the man? The court says that it does. Now, it is simply a question for Congress to say whether this man shall be paid or not.

Mr. MANN. Is not this the case, that without Congressional action a man whose claim is against the Government has no standing anyway?

Mr. MAHON. No; he has not.

Mr. MANN. Thereupon a lot of claims come up out of the past which would not be allowed, which are not allowed by any government, and then Congress passed a law at the request of the claimant providing for the payment of those claims, but limiting the operation of that law to a certain period of time, which usually has been six years, the ordinary period of the statute of limitations. Then the people having been perfectly satisfied with that law at first, having filed their claims under that law and secured their claims under that law, set up as a precedent for paying other claims the allowance of those claims, without regard to any limitation at all. And does the gentleman believe, and does his committee in its action believe, that that is a proper course to take?

Mr. MANN. We believe, the committee believes, and we think that Congress believes that when a man shows that he knew nothing of the law, and when he did file his claim, he can come to this representative body, the body that represents the people, and that there should be no restriction or limitation or anything of that kind on this body. If the man can show that he has a just and equitable claim that the Government owes him, then we believe that the Government ought to pay him. I want to say this to the gentleman. It is true that you could not sue the Government of the United States, nor could anybody without an enabling act of the legislature, but there is a compact between the citizens and the Government. The citizen promises to support the Government in time of stress, and there are times when the Government promises to take care of him. The trouble with this House is that the old laws have been enforced. Other nations have been more generous with people who suffered in war than has this nation.

Mr. MANN. With people who suffered in war?

Mr. MAHON. Yes; they have been more generous than this nation has been.

Mr. MANN. That will be news to the people of the other nations.

Mr. MAHON. They have abandoned long ago the doctrine that the man who lost his property should not be paid. That

doctrine has been abandoned by the civilized peoples of the world. Let us take the Franco-Prussian war as an example. That war had scarcely ended when France, with that enormous indemnity which she had to pay—France almost on the verge of bankruptcy, without a dollar in the treasury and having to go out and borrow millions of dollars with which to pay that indemnity—very promptly, through her parliamentary body, appointed a commission. That commission went down along where those two armies contended, and in less than eight months paid every citizen of the Government of France, whether the property had been destroyed by the German army or by the French army. It was not a question of whether the property had been taken for the use of the French or for the use of the German army. It was not a question of whether the property had been destroyed or taken by the German army. The question was not that at all. But France, as a Government, in an open-hearted way, said that these people had stood by her, that these men had been in the ranks, and that now she, as a Government, would pay them for the losses that they had incurred, and that she did not care who destroyed that property, whether the French or the German army. And France paid \$17,000,000 inside of a year—every loss was paid.

Mr. MANN. Will the gentleman yield for a question now?

Mr. MAHON. Yes.

Mr. MANN. Is France still paying war claims growing out of the Franco-Prussian war?

Mr. MAHON. I am coming to that. Notwithstanding the fact that we had had a civil war which lasted for four years, in which thousands of lives had been sacrificed—laid upon the altar of either side of the contending forces—notwithstanding the fact that untold millions had been expended, and that eleven of the Southern States had been prostrated, yet the States represented by the Northern Army—in other words, the United States—were greater and richer when the war closed than they were when the war commenced so far as resources were concerned.

There are plenty of these claims before the Committee on War Claims filed in the Treasury and War Departments and Quartermaster's Department in 1866, 1867, and 1868. My State alone filed over 1,800 claims for horses and supplies taken by the Union Army in the six counties in the border which I represent. Two cavalry officers, colonels, commissioned by the War Department, went into Adams, York, and my own county and took 800 horses from the people of that section, horses worth from \$200 to \$300. What did they do with them? They took them from these men and gave vouchers for them. Three regiments of cavalry were equipped, mounted, and sent to the field and remained in the field until the end of the war. These claims were piled up here, one man for one horse, another for two or three, and so on, and they were deviled by this Department until they got disgusted. Not a horse was paid for, because the farmers of that section will not stand around Washington waiting for three or four hundred dollars. Not a claim was paid.

Mr. MANN. Did not Congress pass a law providing expressly for the payment of those claims or claims for horses taken by the Treasury Department?

Mr. MAHON. No, sir.

Mr. MANN. The gentleman is again mistaken. There is a law upon the statute books authorizing the Treasury Department to audit and pay claims for horses taken.

Mr. MAHON. I do know I was attorney for these people, and when we presented our claims the gentleman said that this major and this captain and this lieutenant did not have authority to take the horses from the people, and refused to recognize their vouchers and threw the people back on the legal proof that the officer had been commissioned directly from the War Department. Not only that. They stripped those five counties, not a barn nor building was left, and never paid those people one dollar. Now, I want to say that these people are making no demand; they have quit long ago. The treatment they received at the hands of this Government is infamous and outrageous, and it disgusted them, their sons, and children afterwards. Now, if Congress, or the powers that be, had appointed a commission to go among those loyal men who sacrificed their sons and their money, as did the men from your State, in addition to the immense loss that should be borne by the whole people of the Government, as France recognized, these bills would have been paid long ago and there would not be any war claims before Congress to-day, forty-five years after that war. It looks badly for this Congress to talk of "stale claims." They are not, because the men have been persistently knocking at the doors of Congress and Congress has refused to dispose of them. I have been fourteen years on the committee, and I think if I stayed fourteen years more I would like to be re-

lieved. If the gentleman from Illinois had served on that committee that long, he would have gotten so well acquainted with the methods of the Departments at Washington City in paying people what they ought to pay them he would change his mind very greatly. Now, Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

Mr. PAYNE. May I ask the gentleman a question? If I understand him, these claims that go to the Court of Claims after hearing—of course the hearing is largely *ex parte* on the part of the United States—

Mr. MAHON. If it is *ex parte* the Government consents to it.

Mr. PAYNE. Still the claimants are the only people who can get at the evidence usually. Does not the gentleman think, in view of the fact that only 4 per cent of those claims are found to be valid on such investigation, that which is largely one sided at least, almost *ex parte*, that Congress is justified in looking into these claims, and not simply handing over a check because some one presents them with an affidavit, and that after all the Congress of the United States and the Government of the United States is not so mean and outrageous and robberlike in its character and treatment of these claimants as the gentleman's declamation would seem to indicate?

I appeal to the gentleman's patriotism and sense of fairness and his knowledge of what has always been done in these cases, and in view of the fact of the small percentage of allowance, if his language, after all, does not seem to him to be almost extravagant when condemning the United States and the Congress of the United States?

Mr. MAHON. Not at all. The cause of the low percentage in the last three or four years is because these people have been held up, and forty years have gone by and nearly all of these people are dead. If these claims had been referred to the Court of Claims immediately after the war, they would have proven 80 or 90 per cent of them. The French spoliation claims have been largely reduced, and I think cases under the Bowman Act and the Tucker Act are about 300, because the percentage is getting so low that they can not prove their cases. The witnesses are dead. It is the same with an old soldier who is trying to prove his pension claim when he is required to get the affidavits of two or three officers and finds that they are dead, and the Department will not accept any other evidence.

Mr. PAYNE. Does the gentleman recommend that Congress pay these claims without evidence?

Mr. MAHON. No; but pay them with the little evidence that can be produced at this late day.

Mr. PAYNE. Does the gentleman want them all paid notwithstanding the fact that they can not produce the evidence?

Mr. MAHON. Pay what the court finds. It is the gentleman's court and mine. I do not know anything about these findings. The gentleman from New York [Mr. PAYNE] does not know about them. It is a waste of time to talk about it.

Mr. PAYNE. Does the gentleman not think he ought to withdraw his extravagant criticism of Congress?

Mr. MAHON. No, sir; I emphasize it.

Mr. PAYNE. The gentleman is a part of Congress.

Mr. MAHON. I know I am.

Mr. PAYNE. And he is a citizen of the United States, and he ought to have some patriotic pride.

Mr. MAHON. I take no pride in a government that robs her people.

Mr. PAYNE. But with the bad names he has given here, and in view of the facts he has presented in this report, will he tell us on the floor of this House—

Mr. MAHON. I repeat it. This Government is more unfair, more dishonest, in refusing to pay the honest debts she owes her people than any government on the face of the earth. I am a part of the Government, and as chairman of the Committee on War Claims I have been trying to get them out.

Mr. PAYNE. I do not know so much about the other governments and what they do.

Mr. MAHON. It may be well for the gentleman to read up a little on them.

Mr. PAYNE. I think the Congress of the United States is disposed to be eminently fair and just in the payment of these claims, and that the people recognize the fact that they are not only to see that those claimants are paid, but that the interest of the taxpayers of the United States require that the Treasury shall not be robbed by unjust claims, and the duty is just as strong to look into these claims and see that none but honest claims get through as it is to see that honest claims get through.

Mr. MAHON. I hope the gentleman from New York [Mr. PAYNE] will carry that out when the river and harbor bill comes in. Further, I am not anxious to appear in any other light than that which I have stated.

Mr. PAYNE. Of course, if I can not appeal to the gentleman

in that way, I am going to ask him another question. In line 7, page 19, the claim of Charles B. Stark, assignee, etc., \$3,702, and the appropriation of \$1,851 in this case, contained in the act of the last omnibus bill—

Mr. MAHON. What page?

Mr. PAYNE. Page 19, line 7. It appropriates double the amount to this gentleman, Mr. Stark, that is claimed, and that passed in the last omnibus bill. What new light has come to the committee?

Mr. MAHON. I will read the findings of the gentleman's court and mine to the gentleman, as follows:

[Court of Claims. Congressional, No. 11078. Charles B. Stark, assignee of Joseph C. Stark, deceased, v. The United States.]

STATEMENT OF CASE.

The following claim was referred to the court on the 2d day of March, 1903, by a resolution of the United States Senate, under an act of Congress approved March 3, 1887, known as the Tucker Act.

The claimant appeared and filed his petition in this court April 20, 1903, in which he makes the following allegations:

"That he is a citizen of the United States and a resident of the State of Missouri; that he is the sole owner of this claim; that during the war of the rebellion claimant's father was tenant in common with one Beverly G. Hilliard of an estate of about 675 acres in Robertson County, Tenn.; that on divers dates the military forces of the United States took from said estate property of the aggregate value of \$14,377; that said property was used by the Army of the United States; that vouchers for said property were refused by officers commanding said troops; that said claimant was at all times loyal to the Government of the United States; that said claim was presented to the Quartermaster-General in 1873, and by him disallowed as to part of the property on the ground that it was not in his jurisdiction and part on the ground that it was seized before the claimant took the oath of allegiance; he did allow for three mules \$400, and claimant got \$200, being one-half belonging to said claimant; that the present claimant bought this claim at a sale duly authorized by the court."

The case was brought to a hearing on the 22d of November, 1904. Pennebaker & Jones appeared for the claimant, and the Attorney-General, by George M. Anderson, his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. It appears from the evidence that the deceased claimant, Joseph C. Stark, was loyal to the Government of the United States throughout the war for the suppression of the rebellion.

II. It appears from the evidence that Beverly G. Hilliard, partner of the said Joseph C. Stark, also deceased, was not loyal to the Government of the United States throughout the war for the suppression of the rebellion.

III. Charles B. Stark, the present claimant in this cause, is the son of Joseph C. Stark, the original claimant, and he brings this suit in his own right by virtue of a bill of sale of and for said claim, made to him by H. C. Crunk, clerk and master of the chancery court of Robertson County, in the State of Tennessee, on the 20th day of January, 1896, pursuant to a decree duly rendered by the said court at the May term of 1895, whereby the said clerk and master was ordered to sell the said claim for cash publicly to the highest bidder.

IV. Joseph C. Stark and Beverly G. Hilliard, under the name of Stark & Hilliard, owned, as tenants in common, and operated for joint account, a farm in Robertson County, Tenn., 5 miles from Springfield, the county seat thereof. Said farm consisted of 625 acres of fertile and productive land, 400 of which were in cultivation. There was located on said property a distillery, with a capacity of 5 or 6 barrels of whisky per week. Said farm was fully equipped with farming implements and utensils, and with horses, mules, and cattle. There were usually employed on said farm, and in and about said distillery, eighteen to twenty hands, and most of the produce of said farm went into consumption thereof and in said distillery.

V. In 1858 the said Stark sold a one-half interest in said farm and distillery to the said Hilliard, and thereafter, until about 1874, the same was operated for their joint benefit. In 1862, when the Federal forces took possession of Springfield and the surrounding territory, the said Hilliard expressed a desire to the said Stark to close up their business relations, fearing that the Federal forces would take their property and that they would get no compensation therefor.

The said Stark, however, insisted that their business relations should continue as before, and assured the said Hilliard that if they suffered any losses by reason of the Federal occupation he, the said Stark, would be responsible to him, the said Hilliard, for his share therein. Subsequently, and in the year 1868, there was a settlement between the said Stark and Hilliard as to their business matters, and in said settlement the said Stark allowed the said Hilliard credit for one-half of the amount of the claim against the Government of the United States hereinafter set forth, as though the same had been paid to him, the said Stark, in cash.

VI. During the years 1863 and 1864 the Federal authorities from Nashville and vicinity used and carried off 25 barrels, amounting to about 1,000 gallons, of whisky, which had been manufactured at the said distillery of Stark & Hilliard, and was stored in their warehouse. The reasonable value of this property so used and carried off was \$500 (five hundred dollars).

VII. During the years 1863 and 1864 the Federal military authorities took, carried off, and converted to the use of the United States Army horses, mules, wagons, harness, oxen, and farm produce to the reasonable value of \$3,202, making in all the sum of thirty-seven hundred and two dollars (\$3,702), being the amount allowed for the taking of the aforesaid property, one-half owned by Stark and one-half owned by Hilliard, at the time of taking. After said taking claimant Stark paid Hilliard for his share of the loss.

BY THE COURT.

Filed December 5, 1904.

A true copy.

Test this 10th day of December, 1904.

[SEAL.]

JOHN RANDOLPH,

Assistant Clerk Court of Claims.

Now, those are the findings of the court.

Mr. PAYNE. I have listened to the gentleman, and I still do not understand how it is that this claim has been increased from \$1,850 to \$3,702 since the omnibus claim bill was passed in 1905.

Mr. MAHON. It means that this court finds that \$3,702 is due him.

Mr. PAYNE. When were the findings made?

Mr. MAHON. In 1904.

Mr. PAYNE. Was it not found that one of the parties was loyal and the other party disloyal?

Mr. MAHON. It appears from the findings that they dissolved their partnership and that this Mr. Hilliard took the other share.

Mr. PAYNE. They dissolved their partnership after the war on this whisky was over?

Mr. MAHON. And he was paid by Stark.

Mr. PAYNE. The disloyal man can not revive a claim by assigning it to some one else who was loyal.

Mr. MAHON. There was no divisibility of property. Hilliard was a loyal man.

Mr. PAYNE. Congress has time and again divided such claims, where one party was loyal and the other was disloyal, and given a moiety. I remember a case which occurred up in New York, and I brought the facts to the attention of the gentleman, where one of the persons was loyal and the other disloyal, and the proposition was to pay the loyal man and the disloyal man, and the gentleman denounced in scathing terms an act by which such a thing should be allowed. Now he comes in here and reverses the action of Congress on the theory that one of the persons was loyal and the other person being disloyal he can not recover, and he comes and says a disloyal man may transfer his claim, and therefore comes, contrary to the judgment of the Court of Claims and the judgment of Congress two years ago, and gives the whole amount. That seems to be the size of the case.

Mr. MAHON. The court says he is entitled to that much money after they had dissolved their partnership. I do not have all the evidence that the court had.

Mr. PAYNE. The gentleman says he does not know what the findings included.

Mr. MAHON. The Committee on War Claims does not have all the information that the court has. They have the evidence, and the court finds for \$3,702; and that is all I know about it.

Mr. PAYNE. Where does the gentleman get these facts in the report?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have time to conclude his remarks.

Mr. PAYNE. I was going to ask that.

The CHAIRMAN. Is there objection?

Mr. MANN. Is the gentleman through?

Mr. PAYNE. No; the gentleman is not through. I am trying to get unanimous consent that he may have time to conclude his remarks so that I can ask a question, and the gentleman from Illinois is seeking the same purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the gentleman from Pennsylvania be given time to conclude his remarks? [After a pause.] The Chair hears none.

Mr. PAYNE. Now, I would like to know where the gentleman got these facts that he has read to the House from that report if he does not know anything about the case?

Mr. MAHON. What I have read is the certificate of the Court of Claims, which is sent down to the Speaker of the House, and by him to the Committee on War Claims.

Mr. PAYNE. Is that the findings of the court?

Mr. MAHON. That is the findings of the court.

Mr. PAYNE. Then the court found one of these men was disloyal?

Mr. WALDO AND OTHERS. No! no!

Mr. PAYNE. Now, from what you said you are coming here with an adjudication for the money for a disloyal man as well as the loyal man. A clear case. Now, if you were right two years ago, you are wrong now.

Mr. MAHON. I want to say to the gentleman that when we reach that item he can move to cut it in two. I do not care. That is the way to get the bill straightened.

Mr. MANN. There is no way to reach this item that is included here.

Mr. MAHON. Why not?

Mr. MANN. Because there is only one section to the bill.

Mr. MAHON. You can amend the different items of the bill.

Mr. MANN. You can move to close debate ten minutes after the bill is read practically, and I presume you will do it.

Mr. BARTHOLDT. I would just like to say a word about this matter.

Mr. LACEY. Will the gentleman allow me to ask a question before he commences? As I understand the gentleman, there was a precedent heretofore where they allowed half of the claim—that is, where there were two persons they allowed the loyal person his part of the claim and disallowed as to the other, who was disloyal. As I understand, the suggestion is made that this is the same identical claim.

Mr. MANN. It is not the same claim.

Mr. LACEY. This is a different claim? The loyal man in this case got his half before.

Mr. MAHON. The court gave him that much money.

Mr. BARTHOLDT. Mr. Chairman, when this bill was originally passed the amount was cut in two. The claimant, who happens to live in St. Louis and is one of my constituents, a prominent lawyer there, is the son of the original claimant. He rejected what Congress had given him—

Mr. MAHON. Refused to take it.

Mr. BARTHOLDT. Because there was no question about the loyalty of the one partner. This amount which this bill carries merely pertains to the loyal claimant, and no part of it will go to the disloyal claimant. The very fact that this gentleman rejected the allowance of Congress two years ago and refused to accept the money which Congress wanted to give him is, it seems to me, proof that he was in the right. When he came back to the Committee on Claims and presented the matter a second time, the committee readily admitted that they had been in error, and that he was entitled to the full amount of the original claim. Hence this provision in the bill.

Now, if there is any further question about it, I am ready to answer, and I think I can dispel any doubt about it.

Mr. PAYNE. There were two partners in this case, and one of them was found by the court to be disloyal.

Mr. BARTHOLDT. This claim refers only to the loyal partner. The disloyal partner gets nothing.

Mr. PAYNE. Does the gentleman dispute the facts stated by the gentleman from Pennsylvania [Mr. MAHON], that the finding of the court for the whole claim was \$3,702?

Mr. BARTHOLDT. But my understanding is that the disloyal claimant never put in a claim.

Mr. PAYNE. It was stated distinctly that the loyal partner had an assignment from the disloyal man of his right to the property.

Mr. BARTHOLDT. That is a misunderstanding.

Mr. PAYNE. The gentleman says they get that from the finding of the Court of Claims. The gentleman had better go back to the Court of Claims and get them to rectify their finding.

Mr. BARTHOLDT. As far as the Court of Claims is concerned, it finds the sum of \$3,702 to be due to this loyal man, and certified in favor of him.

Mr. NORRIS. Is it not true, however, that one-half of that claim was due to the disloyal claimant, and that the loyal claimant had bought him out and taken an assignment of his claim?

Mr. BARTHOLDT. No; I do not so understand it.

Mr. NORRIS. As I understand the reading of the report by the chairman of the committee, that is what the court itself says, that at the time the Federal forces were in the vicinity the disloyal man wanted to close up the business, but the loyal partner said no, that they should continue on, and that if they lost anything he would make it up to him, and that he afterwards did pay him one-half of the loss, and he added that to his half, and together it makes the amount called for in this bill. So that, as a matter of fact, this item does include the entire damage, one-half of which has already been paid by the loyal man to the disloyal man.

Mr. BARTHOLDT. But this \$3,702 represents the total loss of the loyal man.

Mr. NORRIS. That may be so, but the half of that loss was incurred by paying the disloyal man. If it would be right to allow that claim, then I could purchase the claim of any disloyal man and have a good claim.

Mr. MAHON. If the Government had taken this property from a disloyal man, then the question of disloyalty would come in, but this claimant had purchased his partner's interest before the property was taken by the Federal forces.

Mr. NORRIS. Oh, no; he made the settlement afterwards.

Mr. MAHON. Not the settlement, but the payment.

Mr. NORRIS. He paid his partner for it after the war closed.

Mr. BARTHOLDT. My understanding is that the loyal man is a loser to the extent of \$3,702.

Mr. NORRIS. That may be, but half of that is what he paid to the disloyal man. In other words, he bought half of it from the disloyal man.

Mr. BARTHOLDT. Why shouldn't he?

Mr. NORRIS. That means that you would have to pay practically every disloyal claim, because if that is good law, then, all that would be necessary would be for some loyal man to get an assignment of the claims of disloyal men.

Mr. MANN. More than \$250,000,000 depend upon the answer to the question, "Why shouldn't he?"

Mr. MAHON. The Government took the property after it had become the property of the loyal man.

Mr. NORRIS. You would have to pay practically every war claim whether the claimant was loyal or not.

Mr. MAHON. Oh, no. Men dissolved partnership all over the South when the war broke out.

Mr. SIMS. In view of the circumstances of this case, does it not strike the gentleman that this raising of this question of loyalty at this late day in this era of good feeling is rather technical than substantial?

Mr. NORRIS. That would apply to every such claim.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5869. An act for the relief of Larvan Gordon.

OMNIBUS CLAIMS BILL.

The committee resumed its session.

Mr. BARTHOLDT. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GAINES], because he represents the district, I think, in which the claim originated, and he knew the claimant, as well as his son, the St. Louis attorney.

Mr. SIMS. But I wanted my friend to answer my inquiry in connection with my question—I mean as to this particular claim.

Mr. GAINES of Tennessee. Mr. Chairman, if I can be heard for just a moment I think I can elucidate something that is confusing to the minds of the gentleman from Nebraska [Mr. NORRIS] and the gentleman from New York [Mr. PAYNE]. Judge Stark was a distinguished lawyer of the Springfield-Robinson-County bar. He was absolutely loyal throughout and under the most trying circumstances right in the very heart, you might say, of the Confederacy. He had grit and nerve to stand by his convictions. That is the way I recollect this proof.

Mr. PAYNE. Is he the man that the court found was loyal?

Mr. GAINES of Tennessee. The claimant now is the son of Judge Stark. This son, grit of the old man's grit, says this claim, all of it, is just, and he wants it all, and he refuses to take a part of it—the same sort of grit that his father had when he refused to take sides against the Government that is now about to deny his son, forty years afterwards, the payment of this claim. This son is made of the same stuff as his father was, and he refuses to take part of the claim that the proof shows is absolutely just. Now, as to the division of it, here is the report, which says that "the said Stark, however, insisted that their business relations should continue as before, and assured the said Hilliard that if they suffered any loss by reason of the Federal occupation he, the said Stark, would be responsible to him, the said Hilliard, for his share therein, and that subsequently, and in the year 1868, there was a settlement between the said Stark and the said Hilliard as to their business matters, and in said settlement said Stark allowed the said Hilliard credit for one-half the amount of the claim against the Government of the United States herein set forth as though the same had been paid the said Stark." Now, the proof in this case, as I recollect it, is as I have stated. I tried here for years to get the amount paid, and young Mr. Stark came here to see me. The matter was finally taken up by Senator Cockrell and by the gentleman from St. Louis [Mr. BARTHOLDT], and they have been managing the matter ever since. The young man Stark, who lives in St. Louis, is a leading lawyer there, was once one of the judges there, and he contends, and my recollection is the proof shows, that the part of the claim that is now insisted upon is as good as the balance, and that it is the father's part, the part of the deceased Judge Stark, who, I say, the proof shows, and the court finds, was absolutely loyal to the Government at a time when it meant something more to be loyal than it does to-day. He was loyal then to the Treasury of the United States

and loyal then to the cause of the Federal Government, and I think it comes with somewhat poor grace for us at this late day to refuse this claim of the son who comes up here with clean hands, and who is a respected citizen and a member of the bar of St. Louis, and who asks Congress that part of the funds in an overflowing Treasury be now turned toward the payment of this claim, which I believe is absolutely just.

Mr. NORRIS. Will the gentleman from Pennsylvania yield?

Mr. MAHON. I yield five minutes to the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, it seems to me that what my friend from Tennessee [Mr. GAINES] has said only emphasizes the fact that one-half of this claim ought not to be allowed. If his theory is true, then it ought to be paid on the ground that the man himself says it is just. He submitted it to a committee and to Congress and they allowed half of it, on the theory that he and his father were loyal, and that one-half of the claim ought to be paid. But the gentleman says the man believes that he ought to have it all and for that reason we ought to give him all. If that is true, we, and every court or every organization or body of any kind that passes on a claim, would have to give whatever the claimant honestly believed he ought to get. The fact remains that one-half of this claim, as it is shown by the gentleman's remarks and by the report which he read, was owned by a man who was disloyal. The loyal man proposed to him, or in the settlement he allowed him, which would be the same, the entire amount of his claim, after the war was over in 1868. If that makes a valid claim here, then there is no reason why any disloyal man should not sell his claim to a loyal man and the loyal man have a right under that kind of a precedent to have it paid here in Congress or allowed by the Court of Claims.

Mr. BARTHOLDT. No; but that would be partnership.

Mr. NORRIS. Very well. The man had a half interest in it. He sold his interest to his partner. He could just as well, as a matter of law, have sold it to somebody else. If he had any claim at all it was assignable. He sold it to this man who was his partner. He could as well have assigned it to somebody who was not his partner.

Mr. JOHNSON. Does the gentleman overlook the fact that the loyal man guaranteed this claim, that he was a surety?

Mr. NORRIS. No, sir; I do not; but if this is going to be the procedure—

Mr. JOHNSON. He was quite sure the claim would be paid and he acted as surety.

Mr. NORRIS. He agreed he would pay if the loss occurred, and he kept his word. That is not a basis upon which a man should be paid money who was not loyal to his country. If a man has agreed not to pay him it would be a very easy matter to fix up another kind of a claim, and—

Mr. JOHNSON. How many cases of this kind do you suppose will arise in the history of the Government?

Mr. NORRIS. I think that if we allow this there will be about as many cases arising as there are claims. It will be a very easy matter to get up that kind of a claim. You know how those things are done.

Mr. SIMS. Mr. Chairman, I think I can explain the facts so that there will be no question about this partnership of Judge Stark. Here are the facts about it. They were operating a farm and distillery, and the Federals came to Nashville. One of the partners was afraid that the Federals would take their property, not upon the ground that he was loyal or disloyal, but he wanted to wind up the business of said partnership. Stark said to go ahead, he needed his partner's services, and that if there was a loss occasioned by this property being taken that he would hold him harmless. This was in effect a transfer or assignment. They went ahead. The soldiers did take part of his property for the use of the Government without any reference whatever to whether anybody was loyal or not. They took it, and the United States got the benefit of it. Then in a settlement afterwards between Judge Stark and this man whom he had induced to remain in the business Judge Stark accounted for the one-half in value of what the Government had taken. This claim did not arise upon the idea that the retiring partner was disloyal at all. It was not guaranteeing him against loss on account of loyalty or disloyalty, but simply that if the Federal soldiers took any part of it, he would be held harmless for that part.

Mr. NORRIS. Does that make a legal claim against the Government now?

Mr. SIMS. It makes a moral obligation, and that is about the only kind you can get against the Government.

Mr. MANN. Suppose you guaranteed a man who was not a partner?

Mr. SIMS. If the loss had already occurred, if the soldiers

had already taken the property, then that would be a different matter; but Judge Stark evidently did not think there would be any property taken at all. He did not believe that the property would be taken. Now, there is the highest possible moral obligation to reimburse this loyal man who had faith that the property would not be disturbed.

Mr. NORRIS. Is there any higher obligation to reimburse him than to reimburse the man himself who lost the property? Do you make the obligation higher and better by having it transferred to somebody else?

Mr. SIMS. I do in this way. I was speaking of the facts in this case where one partner did not have confidence the property would not be taken and the other man, Judge Stark, did have it and did not think the property would be taken.

Mr. NORRIS. I do not know as to that.

Mr. SIMS. Judge Stark trusted the Government, had confidence and faith in it, and the other man did not, and he is therefore upon a higher moral plane, because he had confidence in the Government.

Mr. NORRIS. This is simply to pay a man for his confidence; that is all there is to it—

Mr. SIMS. This is to pay for property used by the Government—

Mr. NORRIS. Who did not lose anything.

Mr. SIMS. Who did not lose anything.

Mr. NORRIS. That so far as an assignment made of the claim is concerned.

Mr. SIMS. Suppose the Government had not gotten his property, they would have had to buy it from somebody else. Does not that create a moral obligation? It creates a moral obligation, the effect of which is avoided by proving disloyalty, upon the idea that the Government has the right to take property from a disloyal citizen. So far as it being a necessity of war does not waive moral obligations in the slightest.

Mr. PAYNE. May I ask a question right there? This man Stark had confidence in the Government, and on the face of that he made a bet and lost his bet.

Mr. SIMS. I do not think that when one has confidence—

Mr. PAYNE. He stakes his money on the confidence he had in the Government that they would not take his property.

Mr. SIMS. I think that when one has confidence in his Government he is not necessarily betting. If he had bought the claim afterwards speculatively, it would have been a very different thing, but he simply asked that this partnership be continued. Suppose he had bought the man out, would not the Government have owed him?

Mr. PAYNE. Before the war?

Mr. SIMS. Suppose he had bought him out before the property was taken at all. Of course, the gentleman is bound to know that if Judge Stark had bought out his partner before the property was taken that the Government would pay for it.

Mr. MANN. We are dealing with the facts, not suppositions. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. If a wholesale merchant in New York desired his client or customer in New Orleans to continue in business, and had guaranteed him against loss, and then the Army had taken the goods of the disloyal merchant in New Orleans, does the gentleman think that under the practice of Congress we ought to reimburse the wholesale merchant at New York?

Mr. SIMS. I do not think that the practice of Congress has been governed by the highest moral conceptions. We were talking about moral obligations, and not of the practice of Congress.

Mr. MANN. Now then, the gentleman goes into the question of whether Congress is to appropriate money that was taken away from a loyal or disloyal citizen. I take it that has been foreclosed. I do not know how I should vote upon the proposition if it were a new one now, but it has been the practice of Congress always, and I do not think the gentleman or any other Member from the Southern States would make a proposition here to-day that the Government should pay for all property taken by the Army without regard to the loyalty of the person who owned it. I am sure the gentleman would not support the proposition.

Mr. SIMS. But this is a different case entirely. I think the question of loyalty in this case is technical and not substantial.

Mr. BARTHOLDT. Will the gentleman permit me to make a suggestion?

Mr. SIMS. Certainly.

Mr. BARTHOLDT. Is it not true that there is but one claimant?

Mr. SIMS. That is true.

Mr. BARTHOLDT. There are not two claimants. Not a loyal and disloyal claimant, but only one claimant, and that claimant was loyal under the most trying circumstances, at the most try-

ing time of our country. He was loyal. He comes with this claim, and no one else does, and he was not a disloyal man. He represents his individual loss, which amounted to \$3,702.

Mr. PAYNE. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. To whom does the gentleman from Pennsylvania [Mr. MAHON] yield?

Mr. PAYNE. I understand the gentleman from Pennsylvania [Mr. MAHON] yields for that purpose. If this gentleman came in here as a claimant in his own right and also assignee of a disloyal person and presented it all in one claim, the gentleman's argument would still hold good. He came in here and presented one claim. He was loyal, and that is all Congress had the right to inquire into.

Mr. BARTHOLDT. He is not the assignee of a disloyal person at all.

Mr. PAYNE. That is all he is.

Mr. BARTHOLDT. These two people had a partnership, and when he—

Mr. PAYNE. It has been gone over a good many times. He was assignee of this party who was disloyal, was he not?

Mr. BARTHOLDT. I do not admit that to be the case.

Mr. PAYNE. He comes as the assignee in this bill—

Mr. BARTHOLDT. The loyal man paid him—

Mr. PAYNE (continuing). As assignee of this claim.

Mr. BARTHOLDT. If my friend from New York will permit, the money which this disloyal man paid was the money of a loyal man, and he asks for a reimbursement for that loss.

Mr. PAYNE. I know. If I bought a claim of a disloyal man, I being a loyal man, my money would be the money of a loyal man in the same way.

Mr. BARTHOLDT. But, Mr. Chairman, it seems to me a distinction can be easily drawn there. If I am in the business of buying up claims of disloyal people and then present them to Congress, I would have to expect to be turned down by the committee, but that was not that kind of a transaction. It was a transaction made in good faith. It was not for the purpose of securing reimbursement from the Government. It was a transaction that occurred in the case of a partnership, when one of them retired and the other simply paid him the amount he was entitled to under the partnership arrangement.

Mr. PAYNE. This was in 1868. I do not know how it was, but if I believed that the Government would pay a claim of a disloyal man. Suppose in 1868 a disloyal claimant had come along with his claim and offered it to me. Suppose I paid him my money for it, having confidence in the Government. Would I not be in the same situation as this man?

Mr. BARTHOLDT. You have not made the right distinction. Here was a man who was the partner, and in the case you suggest he is an entire stranger.

Mr. PAYNE. Now, my contention is that the first intention of this committee in 1905 was entirely correct, that they put it in the omnibus bill at the correct amount, and Congress did the same thing, and now you reverse the judgment of Congress. We know it is the custom under different acts of Congress, when the bills are passed, to appeal from the action of the Court of Claims and of everybody else, and finally they come to Congress two or three times. But here is a case where Congress evidently did the correct thing.

Mr. BARTHOLDT. The fact that this claimant here has refused to accept what Congress did offer him in the last Congress—

Mr. PAYNE. That did not bear upon the question at all.

Mr. BARTHOLDT (continuing). Is certainly evidence of the fact that he feels himself to be honestly and squarely entitled to the whole amount, and if he thought there had been any question or there would be any question in the least as to his being entitled to the whole amount he would have been ready and willing to accept what Congress voluntarily offered him. But he simply takes the high ground that he is entitled to the full amount, and consequently he refused half of it, and comes back here and says "Congress owes me the whole amount, and I want it all or nothing."

Mr. MAHON. This property was taken in 1863 or 1864, when that part of Tennessee was under Federal control, and it never went back. The Confederates never again got hold of this territory. The proclamation of President Lincoln, especially with regard to the State of Tennessee, was that all the property of the citizens, the persons, and all their property, should be protected by the Federal officers, because it was under Federal control. That proclamation covered all the territory wherever the Federals got control of the territory. No man, whether loyal or disloyal, should have his property taken. It is not a question of loyalty. That did not enter into it. It was very evident that the Confederates had no control of this country. Here was a

man who was disloyal, the other partner was loyal. The disloyal man wanted to get out of the business for some purpose, and the other man, who was loyal, wanted to go on. He said "We will have protection of the Government; we are under the proclamation of President Lincoln, that no man's property can be taken in this part of Tennessee and used without compensation or without protection." That was the situation down here when this property was taken.

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

Mr. MAHON. Yes.

Mr. MANN. I would like to ask the gentleman with reference to this item on page 23, "To the Columbia National Bank, of Columbia, Lancaster County, \$51,150." What are the facts in that case?

Mr. MAHON. I am familiar with the facts in that case without reading from the report.

Mr. MANN. Will the gentleman state them?

Mr. MAHON. This was the largest bridge in the United States at that time, a bridge over a mile long, over the Susquehanna. The stock was owned by this bank, and to prevent Johnson coming down from Cumberland with 25,000 Confederates the Federal troops, by direction of the Secretary of War, burned the bridge to keep Johnson from crossing. It was done as an act of absolute military necessity, and, under the rulings of the courts, where property belonging to a party whose loyalty is admitted is destroyed as an absolute military necessity, the Government must pay for it. This has been pending in the Departments for years, and finally we sent it to the Court of Claims. There is no question of loyalty involved in it. I want to say this. I am familiar with the case—the United States district attorney in this case agreed with the attorneys of the bridge company that the Government would confess judgment for \$90,000. Their claim was \$100,000.

Mr. STEPHENS of Texas. Who built that bridge and to whom did it belong?

Mr. MAHON. Let me finish this statement first. They said that they would confess judgment for \$90,000. The claimants were very foolish that they did not take it, but they thought that they could recover the whole \$100,000, and so they went into the Court of Claims, and the Court of Claims rendered a judgment for \$50,000.

Mr. STEPHENS of Texas. The question I wanted to ask was, Was the bridge built by a joint stock company?

Mr. MAHON. Yes. The bank held the stock.

Mr. MANN. I understood the gentleman to say that this bridge was ordered to be destroyed by the Secretary of War. Is the gentleman correct about that?

Mr. MAHON. It was ordered destroyed by some military authority.

Mr. MANN. Is it not a fact—

Mr. MAHON. General Meigs and General Couch ordered it destroyed.

Mr. MANN. Was it not destroyed by the army in the same manner as thousands of millions of dollars worth of property in the South was destroyed, in the conflict between the two armies?

Mr. MAHON. Oh, no.

Mr. MANN. Not being property taken, but property destroyed, just as though it were in battle or by troops in retreat.

Mr. MAHON. No; the courts draw this distinction. Take the battle of Gettysburg. The property destroyed in that battle was lost, and there could be no reimbursement for that. The courts have never held—

Mr. MANN. And never will.

Mr. MAHON. I do not think there has ever been a dollar paid for property destroyed in battle; but where the military authorities destroy property as a military necessity, to prevent an army from following, and where there was no battle, but simply a military necessity, even the destroying of houses in order to obtain a better view, or something like that, the courts have always held in those cases that the property must be paid for.

Mr. MANN. Does the gentleman claim that the courts have held—I do not suppose that the courts have had an opportunity to hold—

Mr. MAHON. They have.

Mr. MANN. But that the Government has ever held that where an army in retreat destroyed property to protect itself from an advancing enemy payment could be made for property so destroyed?

Mr. MAHON. This is a different case. This army was not in retreat.

Mr. MANN. But this comes within the case that the gentleman mentions, of an army destroying property to protect itself.

As nearly as I can get at it, they destroyed this property to prevent the advance of an enemy. Has it ever been held that the Government is liable to pay for property so destroyed?

Mr. MAHON. The gentleman does not understand the situation—

Mr. PAYNE. Will the gentleman from Pennsylvania allow me right here to read the finding of the court?

Mr. MAHON. Yes.

Mr. PAYNE. This is finding No. III:

III. The bridge was occupied for military purposes on the 15th day of June, 1863, by order of Major-General Couch, of the United States Army commanding the military department of the Susquehanna, and under his orders was thereafter used and for the benefit of the public service in transporting military stores, supplies, and troops thereto and from the several military posts under his command on opposite sides of the river, and for such other purposes as the needs of the service required until the 28th day of June, 1863, when on the evening of that day the bridge was, by his orders, fired, and the superstructure was destroyed under circumstances of immediate public exigency then arising necessitating its destruction, the public danger being so imminent and impending, and the public service so extreme and imperative as not to admit of delay.

Mr. MANN. But what was this? Does the court make a finding and state that there was a public necessity and imminent danger and not state what it was? Is that the kind of finding that the Court of Claims has made?

Mr. MAHON. Why burn the bridge, if that condition did not exist?

Mr. MANN. I want to know what the emergency was.

Mr. MAHON. Here was this bridge. It belonged to this bank. There was no battle and there was no battle imminent.

Mr. MANN. The reason there was no battle was because the bridge was destroyed.

Mr. MAHON. There was no army in retreat.

Mr. PAYNE. Will the gentleman right here allow me to read further from the report?

Mr. MAHON. Yes.

Mr. PAYNE. Point 2 in the petition of the claimant:

II. That Maj. Gen. D. N. Couch, of the United States Army, on the 15th day of June, 1863, took possession of the Columbia Bridge for military purposes, situated on the Susquehanna River, between the town of Columbia, county of Lancaster, State of Pennsylvania, and Wrightsville, county of York, in said State, and used the same for such purposes as the needs of his department required from the 15th day of June, 1863, until the 28th day of said month, when said property was by his order destroyed, to prevent the enemy from crossing the river.

Mr. MANN. That is it—to prevent a battle. That is what I said to the gentleman before. There was no battle, because the bridge was burned.

Mr. MAHON. The gentleman does not know what prevented that battle. The gentleman was not born at that time. [Laughter.]

Mr. MANN. I can assure the gentleman that whether I was born at that time or not, I am born now. The gentleman is finding that out, I think.

Mr. MAHON. It says the danger was imminent. Why would they burn the bridge unless there was great necessity for it?

Mr. MANN. I have no doubt there was great necessity for it. There was equal necessity if the Union Army had been in retreat and had burned the bridge to keep the enemy from capturing it.

Mr. MAHON. The courts of this country have never allowed this Government, even in a case of great necessity, to destroy my property for military purposes without paying me for it.

Mr. MANN. They did it at Gettysburg.

Mr. MAHON. That was a battle. You must allow the distinction.

Mr. MANN. In a battle, or as a part of a battle, or to prevent a battle, or to prevent capture.

Mr. MAHON. Oh, no; I beg the gentleman's pardon. The gentleman can go to his library to-night and take the writers on war law and he can not find one authority that does not sustain my position. Where the Government takes property and destroys it for military purposes or because of military necessity, the courts of this country and the courts of all countries have held that the Government must pay for that property if the man to whom it belonged was loyal.

Mr. MANN. Does the gentleman claim that the courts hold that a claimant can recover under such circumstances?

Mr. MAHON. Yes.

Mr. MANN. Then why does not the claimant in this case go to the courts?

Mr. MAHON. He has been to the courts.

Mr. MANN. And has been thrown out.

Mr. MAHON. Where?

Mr. MANN. Has not the claimant been to the court? Is he still in court or has he been thrown out?

Mr. MAHON. No, sir.

Mr. MANN. The gentleman says that they have a right to recover in the courts. Why not appeal to the court.

Mr. MAHON. The gentleman knows as well as I do that you can not sue the Government in the courts.

Mr. MANN. I know there is a Court of Claims where everybody who has a claim against the Government can sue the Government.

Mr. WILLIAMS. But they have been there.

Mr. MANN. And have been defeated. Are they still there?

Mr. WILLIAMS. No; they have got a favorable finding.

Mr. MAHON. This was referred to the Court of Claims.

Mr. MANN. That is not a suit. This was sent by one House of Congress for a statement of facts. There is no doubt about the question of liability. The Court of Claims does not pass upon that.

Mr. PAYNE. This was referred by a Senate resolution.

Mr. MANN. This was referred by a Senate resolution to the Court of Claims to state the facts, and having stated the facts, it appears that there is no claim as against the Government.

Mr. MAHON. Let the House decide the liability, and let the gentleman produce his authorities that the Government is not bound.

Mr. MANN. That is what we are thrashing out now. I ask the gentleman to produce the authorities. The gentleman has the affirmative of the case.

Mr. KEIFER. Will the gentleman from Pennsylvania yield?

Mr. MAHON. Yes; I yield the gentleman five minutes.

Mr. KEIFER. Mr. Chairman, I do not know enough of this particular claim to comment upon it, and I only want to utter one sentence here in illustration of what has been going on throughout all the history of the Government of the United States, so far as the matter of having no proper machinery to settle claims against the Government is concerned, and I hope the time will come when we can have a means of settling claims that do not directly grow out of existing law which may be settled through the Departments.

I do not agree with the general statement going around here that the Government of the United States is liable to pay for general devastations of the property of either friend or foe in time of war, and there is no occasion for drawing a fine distinction between the destruction of property or the devastation of property in battle, and when the army is marching through the country.

Mr. MAHON. The courts have drawn that.

Mr. KEIFER. Oh, no; the rule is settled; the international rule is settled. It is settled in all the countries of the world, and has been long ago, that property which is incidentally destroyed by a marching army the Government is not legally liable to pay for, even though it is the property of friends, saying nothing about the property of the disloyal, which is never paid for. What is paid for in other countries than this and what was laid down long ago in decisions of this country by courts that had jurisdiction to determine what should be paid for in the way of war damages by the Government, was that an army marching through a country would pay for supplies such as they could use in the commissary or quartermaster's department; that is, those things that supplemented the general supply for maintaining the army, and that such things should not be classed as devastation of property; but the incidental burning of fences and the destruction of property or the destruction of fields of growing grain, or of matured grain, and all such things as were incidental to marches and campaigns, such as the destruction of bridges, the destruction of roads, and everything of that kind, belonged in the general class of devastations of war and were not paid for to either friend or foe, loyal or disloyal.

I do not know the circumstances of the case under consideration, and it is quite immaterial to my mind whether the bridge was burned to prevent an enemy from crossing to bring on a battle or whether it was burned as the judgment of some officer, or even by private soldiers wantonly. It is not a subject to be paid for under the general rules of law governing in such cases. We fought that matter out early in the history of this country. I have not the decisions at hand, but I made reports on this question many, many years ago, concurring with the distinguished gentleman from Kentucky, Mr. Carlisle, then in this House, and with others, on this very question. We fought it out in Ohio. We had loyal people out in Ohio who had property destroyed, not only by John Morgan in his raid extending through the State, but we had property destroyed by Union troops that pursued him, and the general judgment was to pay for none of it. That class of claims is easily distinguished from another class arising on account of an army that is marching through a country that is friendly to it, where the quartermaster and commissary officers go to the mills

and get flour if it can be obtained there, or take grain from the bins of the farmer, or gather anything that is necessary to supply the commissary department or get forage for horses, or even horses for cavalry or artillery, or anything that is necessary to supply the quartermasters' department, even to build up quarters for the sick or for barracks, etc. Those are necessary things that you would buy at home and pay for, and they are plainly distinguishable from merely destroyed property, and they ought to be paid for, and the rule is to pay for them to loyal people, but the rule does not go any further than that.

Mr. GAINES of Tennessee. These claims are mostly based on moral rights. Let me put a case to the gentleman. Supposing driving along now with your army, your horses hitched to a cannon or some large machinery, should turn over a man's house or destroy it. Does the gentleman not think that a moral obligation would rest upon him to pay for that house?

Mr. KEIFER. I am not dealing with the question of morals at all. I think that would belong to the general devastation of war as much as if the men came in the fields and took the top rails off the fences for the purpose of cooking their provisions and supplies. So also I might say that if they happened to kill a horse that would belong to the devastation of war; but if they take from a private loyal person a horse to put in the artillery or put in a wagon that horse ought to be paid for.

Mr. JAMES. So your position is that if they go to a mill and get a bushel of flour they ought to pay for it, but if they go in a farmer's field and burn up 200 bushels of corn they ought not to pay for it.

Mr. KEIFER. That pretty nearly illustrates the rule.

Mr. JAMES. Then it is a very bad one.

Mr. KEIFER. That is the rule universal in this country and in other civilized countries of the world, and always has been and probably always will be.

Mr. MAHON. The gentleman has been speaking about taking wood, fences, and all that sort of thing for the Government, as to whether the Government is responsible. The Government is under certain circumstances. If an officer having authority takes wood, a fence, or a building, and that wood or building were used for the soldiers to cook or warm themselves, that is a supply, I do not care what it is, and the Government should pay for it. Now, if a soldier or half a dozen or a dozen soldiers go in and burn a man's house or his grain, that is a tort on the part of the soldier for which the Government is not responsible and never has been responsible and never has paid for it. There is the distinction between soldiers taking things and a commissioned officer taking things. I have studied this case, and I will give the gentleman a leading case. Now, here was a bridge. There was no likelihood of a battle or any fight taking place there, but Johnston was pressing in that direction, and the general commanding burned that bridge as a military necessity—it was the private property of this bank—so that Johnston could not cross there, but would have to retreat and return to Cumberland Valley, 28 miles, and go in by the way of Gettysburg, up over the mountain. So he had to take another crossing. Now, why should these people contribute a hundred thousand dollars? If the soldiers had burned that bridge, it was a tort on their part, but it was destroyed by the commanding general—

Mr. KEIFER. No distinction.

Mr. MAHON. Here is Grant's case, which is a leading case. I am only going to read the syllabus.

William S. Grant v. United States. The officer of the United States commanding troops in the vicinity of Tucson, Ariz., ordered his subordinate to destroy such Government stores as he can not transport, together with such private property of the claimant as may be of value to the public enemy or to the disloyal people of Tucson. The subordinate officer, acting under circumstances of immediate and pressing necessity, notified the claimant to save his papers, and in half an hour fires his mills and other property.

Mr. KEIFER. What court decides that?

Mr. MAHON. The Supreme Court—no, the Court of Claims. It was never taken up.

Mr. KEIFER. I think it was never taken to the Supreme Court.

Mr. MAHON. Hold on; this is the law and the court is right.

The taking of private property for use or for destruction, when the public exigency demands it, by a military officer commanding any part of the public forces, is an exercise of the right of eminent domain. Whenever the officer is justified, the Government is liable. The state of the facts as they appeared to the officer when he acted must govern the decision.

Mr. KEIFER. That decision was reversed twenty-five years ago.

Mr. MAHON (reading):

There is no discrimination to be made between property taken to be used and property taken to be destroyed. It is no defense that the circumstances must have rendered the property valueless to the owner.

if the officer had not destroyed it. It is the imminence of danger that gives the State a right to destroy property, but the certainty of the danger does not relieve the State from liability for the property which it takes to destroy.

And that has been the decision of the court since the civil war, and every decision—

Mr. KEIFER. I want, Mr. Chairman, to say it is easy to find a decision so long ago rendered.

Mr. MAHON. It has never been reversed.

Mr. KEIFER. What volume are you reading from?

Mr. MAHON. The gentleman himself individually might reverse it, but it takes a court to do it.

Mr. WILLIAMS. It is the difference between an authorized act of the Government and an unauthorized act of an individual.

Mr. MAHON. That is the old law four or five hundred years ago, and it is the law of all nations. The Government is held responsible where it destroys private property through pressing necessity for it. But they draw this distinction, that property destroyed in battle and incident to a battle was not by order of any officer. Like at Gettysburg, it can not be paid for. But when an army is lying in a peaceful country and the enemy is approaching and the army destroys a valuable bridge, it does it for what purpose? To keep the enemy from crossing. Can anyone tell me why the Columbia Bridge people should lose that money? That was the method they used to defeat the enemy, the same as money would be used to buy shells and other munitions of war, to prevent them from coming over. It saved the Government probably a battle and a great loss of life. I believe there is no question about the legal position.

Mr. PAYNE. In line 10, on the same page, it says:

The Pennsylvania Company, for insurance on lines and granting annuities.

Mr. MANN. We have already had that up. I have something more to say about that.

Mr. MAHON. Mr. Chairman, I ask that the bill be read under the five-minute rule, and then the gentlemen may have opportunity to amend and strike out.

The CHAIRMAN. The Clerk will read the bill.

Mr. PAYNE. I have no objection to it if we will be allowed to do that.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Chairman, I believe I have some time reserved.

The CHAIRMAN. The gentleman has forty-five minutes.

Mr. MAHON. I have the floor, but the gentleman can have it if he desires.

Mr. MANN. Mr. Chairman, I desire to refer to several of the claims which have been referred to by the very distinguished chairman of the Committee on War Claims. Merely at random, without ever having seen this bill until this morning, after the noon hour I asked the gentleman in reference to several claims in the bill, only one of which did I in any wise recognize. And the explanation as to each one of the claims shows that that particular claim has no merit whatever. The first claim that I asked the gentleman in regard to was the claim in favor of the legal representatives of Samuel Schiffer. I had received the report of the committee upon the bill introduced for that claim alone and had read it some time ago. And I had been impressed with the fact that there was no merit in the claim. I happened to notice it in this bill, there having been one bill reported to the House covering the claim, but never having been referred to the Court of Claims; and it never having been passed upon by any judicial or semijudicial body, I was surprised to see that claim in this bill.

Now, I have heard the criticism of the distinguished gentleman from Wisconsin [Mr. ORJEN] and the distinguished gentleman from Pennsylvania as to the decision of the Supreme Court. This was an old cotton claim. There were thousands of those claims in the United States. There are still, as I understand, millions of dollars in the Treasury of the United States dependent upon these claims if they can be properly proven. Whom that money belongs to I do not know, but this claimant filed his claim in the Court of Claims. It was rejected. He appealed to the Supreme Court of the United States. They rejected it, and the distinguished Committee on War Claims passes the decision of the Supreme Court and refers to that decision in this fashion:

It is hard to understand how a transaction between the claimants and Schiffer, which could not legally invest the latter with title, was yet sufficient to divest title from the former, and it is still more difficult to understand upon what authority a transaction of this kind could be held to have invested the United States with title to his property—legal, equitable, or moral.

The Supreme Court of the United States had decided in this way, and the committee says it is hard to understand. Well, I suggest that the gentleman attend law school or read the decisions of the Supreme Court of the United States. I know it is

a very common fashion on the part of the man who is defeated in a lawsuit to "cuss" the court, but it was news to me that it was the fashion of the Committee on War Claims in the House of Representatives to "cuss" the Supreme Court because the court had decided in favor of the United States and against the claimant, and yet that is the language, practically, "cussing" the court, which the committee presents to the House. It is the excuse which they give for overruling the Supreme Court. The committee says it is hard to understand why the Supreme Court so decided.

It is not here for my understanding; it is not here for the understanding of the average Member of Congress, nor do I think it would be here for the Committee on War Claims' understanding if they had ever read the decision. I do not think that one of them has ever read the decision of the Supreme Court of the United States rejecting that claim.

Then there was another claim that I asked the chairman of the committee in regard to; and I suppose I never would have asked that question if the bill had been properly printed. The bill says: "To the Pennsylvania Company for insurance on lines and granting annuities, executor of Henry Etting, deceased." I had a curiosity to ascertain how it was to compensate the Pennsylvania Company for insurance on lines. It did not occur to me that it was "lives," and that was the title of the company, because the words were not printed in capital letters, or I would not have inquired as to the explanation of it.

Now, some years ago there was a dispute arose, after the Navy Department had been organized for nearly one hundred years, as to a certain abuse and how that compensation should be computed. There was a direction that there should be an adjudication of a number of claims. The report of that adjudication was made to the Fifty-first Congress. That Congress appropriated, after full consideration of those claims, an amount of money to pay the claims with this provision.

That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition with the Court of Claims upon which the adjudication was rendered.

That provision was put in the law, because if there had been no limitation of time put upon these claims, claims would have had to be paid from the foundation of the Government. There had been a ruling adopted in the Navy Department and the Treasury Department which they followed up from the beginning of the Navy. This ruling was reversed. Congress was not obligated to pay a cent for any back claims, but after full consideration the committee proposed to pay these claims within the ordinary statute of limitation, and without that provision there was not a single naval officer who had served in the Navy who would not have received this extra compensation. Now, Congress put in the limitation. How many of the cases there are I do not know. How many thousands there might be which would come under this rule now proposed to be wiped out, if anyone had claims unpaid back of the six years, if justice should be handed out, why, then, every naval officer from the foundation of the Government, by his legal representatives, would be entitled to the same compensation. That is the claim which the gentleman takes up as a basis for abusing the United States because it does not pay its claimants, saying that the United States holds back the money of these claimants. That is one of the claims the gentleman uses for the abuse complained of, about how the Government robbed the people. Let me tell the distinguished gentleman from Pennsylvania that under the Tucker Act any man, woman, or child who has a legal claim against the Government of the United States which the Departments refuse to audit can present that claim before the Court of Claims and before any district or circuit court of the United States and have it allowed and paid. The man who has a just legal claim against the United States has the best asset in the world, and therefore every naval officer who has one, notwithstanding the statement my friend from Pennsylvania has thrown out, we have made provision for the payment of these claims, but if we should wipe out the statute of limitations, we would have to pay all claims against the Government. Then there was one other claim I asked about.

Mr. KEIFER. If the gentleman will allow me before he goes to the other claim.

Mr. MANN. Certainly.

Mr. KEIFER. With the permission of the gentleman from Illinois, I want to make a further statement, coupled with a request. The authority read by the gentleman from Pennsylvania sustains his view of the law. I remembered this Grant case was the only one that seemed to have any weight at one time in the consideration of the class of cases under consideration. It was a decision made in 1863, not in the midst of civil war; it had no relation directly to the civil war, and it was taken up and reviewed especially by a tribunal appointed by

the United States, and I will put the decision in the RECORD if my request is granted. But this case came pretty nearly up to the point of holding exactly what the law on the subject is that has been reviewed by some great writers of our own and other countries. The judge states, in his opinion—and I read from page 50 of the report, which was one of the first reports made by the Court of Claims—the judge says this:

Private property must not only be taken upon urgent necessity, but for public use—

That public use, Mr. Chairman, is that kind of use that I have described, that can be appropriated to the maintenance of the Army—

In order to fix the liability of the Government to make compensation. Was the destruction of this property a taking of it for public use? It is almost of equal public importance that military supplies be kept from the use of the enemy as that they minister to the support of our own armies.

Reading further:

Writers on public law do not discriminate between property destroyed to prevent it from falling into the hands of an enemy, and property taken for the actual sustenance of our own military forces. In both cases it is treated as a taking for public use.

It is the latter part of this decision that was criticised and overruled, and the law laid down that the common devastations of war, the destruction of property not taken and applied for public use, was to come within the general class of property destroyed in war, either by a friendly or unfriendly army, and whether property of the loyal or disloyal, was not to be paid for, and this I can clearly make appear if given an opportunity to refer to the books.

Mr. MAHON. If that position has ever been reversed by the courts I should like to know it, and have the gentleman refer me to it.

Mr. KEIFER. Yes; I can do so, and will do so fully.

I request, Mr. Chairman, that I may be allowed to add some references to my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEIFER. Here follows all I deem now necessary to amply support my recollection as to the law relation to a government's liability for damages caused in a period of war by the general destruction of property by the armies in the field. It might easily be enlarged.

The House was kind enough to grant my request to add something to the oral remarks I made, as appears above, on the subject of war claims; and this it did because I was unable at the moment to give the citations of authorities in support of the principles I endeavored to state. I now think it unnecessary to add at great length anything on the subject, as the case I cited later of the *United States v. The Pacific Railroad*, from the one hundred and twentieth United States Supreme Court Reports, page 227, fully covers all the rules and principles upon which I based my recollection of the law, but to those who are curious enough to want to pursue this subject, I call attention to a collation of decisions in a report made to this House by the Committee on War Claims in the second session of the Forty-third Congress, Report No. 134. The whole subject of the right or duty of the Government to pay for claims of the loyal or disloyal that are mere incidents of battle or to the movements of armies, whether friendly or unfriendly, will be found between pages 274 and 297 of that report, and perhaps incidentally more will be found on the subject in the same report.

As some weight seemed to be given to the Grant case, found in the first Court of War Claims Report, page 41, I make the following quotation from a report made in the third session of the Forty-fifth Congress, No. 187, by the Committee on War Claims. I do this particularly to show that the Grant case was long ago under consideration and disregarded, as I have already stated. Here follows an extract from the report mentioned:

The claimant's property was destroyed by the general ravages of war, and for which payment is never made, under the law of nations, or upon any principles of public policy or duty.

Primarily the destruction was caused by the enemy. Confederate troops fired the buildings, but this fact would not, in the opinion of your committee, change the liability from what it would have been if the Union forces had, when a battle was imminent, or while it raged, set fire to the buildings or caused their destruction. The loss would still have been classed with property destroyed by the misfortunes and casualties of war, for which no compensation is ever made to friend or foe, loyal or disloyal. The petitioners have pressed with much earnestness upon your committee, through their counsel and otherwise, the theory that the seizure of houses under the circumstances stated there was the appropriation of the same to a public use within the meaning of the Constitution, and its destruction while thus appropriated gave the owners the right to a just compensation for the same. They contend that the latter clause of the fifth amendment to the Constitution of the United States secures them this right.

The clause relied on is as follows:

"Nor shall any person * * * be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."

The error is in assuming that a commanding officer by occupying, under the exigencies of a battle, by his troops, private buildings, or by shielding himself and his troops behind them during a conflict, within the meaning of the Constitution appropriates private property to a public use. The temporary occupancy of private property by the troops of the United States, even where a battle is not imminent or actually raging, has never been held or regarded as an appropriation of the same to a public use. When private property is taken for public use merely to be held temporarily no appropriation in any constitutional sense results. Mere possession of private property by public officers or soldiers of the United States can not be construed to be an appropriation of the property to a public use.

It has been expressly held that where a building was burned by accident, where it had been seized by the war power of the General Government for a hospital or for other use by the United States authorities, that there was no liability resting upon the Government to pay for it. (Lagow's case, 10 Court of Claims, 266; Green's case, 10 Court of Claims, 466; Filor's case, 9 Wall., 45.)

It is said there is a case where the United States were held liable for the appropriation of a mill burned by an officer of the United States to prevent it from falling into the hands of the so-called "government." This case is known as the "Grant case," and will be found reported in 1 Court of Claims, page 41. It is only a decision of the Court of Claims, and as authority it has been doubted.

Under article 12 of the treaty of May 8, 1871, between the United States and Great Britain, there was provision made for the payment of claims of British subjects who owned property in the United States and in regions where the armies passed over it or had access to it. After this treaty there was organized what was known as the "American-British Claims Commission," for the purpose of determining the character of claims British subjects were entitled to have favorably considered. This commission was composed of distinguished American and English lawyers, learned in international and other law. They considered in the light of the law of nations the claims of the British subjects, and according to a report made by Hon. R. S. Hale to the Secretary of State, dated November 30, 1873, as to the claims of the British subjects before the American-British Claims Commission under said article 12, it appears that claims for property destroyed by general devastations of war were unanimously rejected by the commission. The report (p. 49) says:

2. Claims for property alleged to have been wrongfully injured or destroyed by the forces of the United States.

These claims were also numerous and involved a large variety of questions. They included claims for property injured or destroyed by the bombardment of towns of the enemy, as in the case of Charles Cleworth, No. 48, and in other military operations of war, such as the passage of armies, and the erection of fortifications, as in the case of Trook, administrator, No. 58, etc.

Also for timber felled in front of forts and batteries to give clear range for the guns and deprive the enemy of cover, as in the case of Trook, administrator, No. 58, and of William B. Booth, No. 143.

In these claims for destruction of property it may be stated generally that, with very few exceptions, and those mostly insignificant, no awards were made against the United States.

The claims for injuries by bombardment, the passage of armies, the cutting of timber to clear away obstructions, the erection of fortifications, etc., in the enemy's country, were all disallowed by the unanimous voice of the commissioners.

The same may be said of the incidental destruction of innocent property involved in the destruction of public stores and works of the enemy.

It will be observed that this high commission recognized the principles I have tried to state as the law relating to war claims of the class under consideration.

Mr. MANN. Mr. Chairman, I am glad that I yielded in order to allow the distinguished gentleman from Ohio to interrupt me. I am somewhat familiar with the decision which the gentleman from Pennsylvania [Mr. MAHON] read. I do not agree with the gentleman from Pennsylvania that it carries out the judgment that he expresses, in reference to the opinion. That case does not cover the case of the Columbia Bridge at all. It is an entirely different proposition, the seizing of supplies and then destroying them.

Now, Mr. Chairman, in answer to the criticism of the gentleman from Pennsylvania [Mr. MAHON] and other gentlemen whom I have heard criticise the Government of the United States on the floor of this House in reference to the payment of claims. I was referring to the fact that there is a widespread impression in Congress that a claim against the Government can not be paid. I notice reported from the Committee on Claims the other day a bill which never will be considered by this House, a bill introduced by a very distinguished Member of the House. That claim could be audited and paid at any time. If it were not audited and paid it could be presented to the Court of Claims and adjudicated at any time by that court and paid as a necessary consequence. Through lack of information on the part of the claimant, or, possibly, on the part of the Member who introduced the bill, he has introduced it into the House as a private claim, and it has about as much show, in its place on the Calendar, as though it never had been introduced.

But the man who has a legal claim against the Government, not for a personal injury, has an opportunity to have that claim determined and paid.

I ask to read a portion of the first section of the Tucker Act.

That the Court of Claims shall have jurisdiction to hear and determine the following matters:

All claims founded upon the Constitution of the United States—

and, mind you, these are not determinations under the Bowman Act. They are not determinations under a resolution referring these claims to the committee under the so-called "Tucker Act." These claims, when allowed by the Court of Claims, are put into the general deficiency bill and paid.

All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, or for damages liquidated or unliquidated, in cases not sounding in tort, in respect of which claim the party would be entitled to redress against the United States either in a court of law, equity, or admiralty, if the United States were suable.

So that under the law any person who has a claim against the United States upon which he could bring a suit against a private individual, except torts, can bring a suit in the Court of Claims against the Government. I may say, of course, that there is a specific exception as to war claims.

Now, there was another case about which I asked the gentleman from Pennsylvania—the Columbia Bank. And what is the explanation of that case? If the Columbia Bank is entitled to \$50,000, the Government ought in all justice to pay out anywhere from one to ten hundred million dollars to the people of this country. It has been the universal custom throughout the ages that an army in motion did not pay for the property it destroyed. For the property which was consumed the army paid. For the property destroyed there was no pay. No military officer in command of troops would know where he stood if he felt all the time the necessity of being economical in the destruction of property.

These people they may say are loyal. Very likely. They took the chances which other people take. If this were a fresh claim, if this were something which happened yesterday, sympathetic considerations might cause us to appropriate for it; but the men who lost the bridge, the men who lost the money, will never get it back. It is not the men who owned the Columbia National Bank who will receive the money, not the men who owned the property when it was taken. There is no sympathetic consideration in this case, and this claim ought not to be allowed; it ought not to be paid unless it is the settled purpose of Congress to appropriate money in payment of every dollar's worth of property which was destroyed by the Union Army belonging, at least, to loyal citizens. I do not know whether Congress is yet ready to go as far as the Stark case proposes, in which it is claimed that we must not only appropriate for the loyal citizens who lost property, but also permit them to purchase by assignment claims of disloyal citizens and then allow the loyal citizen for the full amount. I do not know. In this era of good feeling it would be a delight to my heart, if it were possible without bankrupting the Government, to vote to many of the people in the South who were injured by the war, whose property was destroyed by the Army without any special fault on their part, money to reimburse them; but I take it that that question has been foreclosed and that if the proposition were made in the House in its broad term it would be opposed mostly by the Representatives from those States.

Mr. Chairman, these illustrations at random, selected in the House at random, are sufficient reason, in my mind, for insisting upon an explanation of every item in this bill, and so far as lies within my power I propose to insist, under the Rules of the House, that there shall be an explanation of each and every item in this omnibus bill. I am not willing to say that because an omnibus claims bill can be brought into the House with certain claims from the State of Illinois, one of which is in favor of a constituent of mine whom I honor and respect most highly—I am not willing to say that because, perchance, I would like to vote for his claim, that all of the rest of the Members of the House in similar circumstances should now vote for my claim if I vote for theirs. I think these claims ought to be considered on their merits. If the Committee on War Claims would say in these cases that it had considered the report of the Committee on Claims, very well. But how is it done? The Senate will refer a claim to the Committee on Claims. Take this naval-pay case. The Committee on Claims has never reported in favor of the payment of the \$665. There is not a line in the judgment which the gentleman has had read here in favor of the payment of that claim. Everybody knew who knew the case that that had been adjudicated upon before. There was nothing for the Committee on Claims to report upon. Thereupon the Senate of the United States passed a resolution to have

that claim referred to the Court of Claims. It comes back to the Senate, and there is not a line in the report indicating that the money should be paid. The Court of Claims does not render any judgment. It simply says that according to their previous finding there would have been six hundred and sixty-five and odd dollars due this man if Congress had not fixed the limitation of time.

Mr. MAHON. Will the gentleman yield?

Mr. MANN. Yes; how much time?

Mr. MAHON. Ten minutes.

Mr. MANN. I yield ten minutes to the gentleman from Pennsylvania.

Mr. MAHON. Now, Mr. Chairman, the nigger is out of the wood pile, and we might as well face the situation.

Mr. KEIFER rose.

Mr. MAHON. No; I have not the time now.

Mr. KEIFER. I want to give the gentleman an opportunity to reply to my suggestion about the law.

Mr. MAHON. I am satisfied that I am right about that, and I do not care to hear from the gentleman.

Mr. KEIFER. If the gentleman will allow me five minutes before he makes his speech.

Mr. MAHON. I will after a while, after I get through.

Mr. Chairman, we hear talk that every man in this country, if he has a legal claim, can be easily paid in Congress. Here are 300 people at least, and there can be no dispute about their claims. Every Member of this Congress knows that you can not pass these claims one after another on private-bill days. The rules of this House are very nicely fixed, which I opposed, giving the Committee on Pensions two days in each month for the consideration of pension bills, and the Committee on War Claims one Friday, and the Committee on Claims one Friday in each month. My experience has been since the rule was adopted that generally a big appropriation bill is rushed ahead of the day set apart for the Committee on Claims, and so during the long term of the last Congress this committee had no consideration. I am not complaining. It is the rule that was made. It is so easy for these people to be paid! I do not want to impugn the motives of the gentleman from Illinois [Mr. MANN]. He is in earnest in this matter. But I have been around this House so long that when I see movements made with military precision I think I have sense enough—I have judgment enough—to know what is going on, and I am going to be perfectly frank with what I have got to say.

Two or three little bills here to-day—the Stark bill, which the committee proposes to amend when they reach it by reducing it to one-half; then one little bill from the Court of Claims. They have not found any fault with any other except the Columbia Bridge bill, and I will stake my reputation I am right on that as to the law, and if the gentlemen will come to my office and give me a little leisure I will give them enough law to keep them reading for a month.

Mr. KEIFER. I want to save the gentleman the humiliation of being in conflict with the Supreme Court of the United States.

Mr. MAHON. Now, Mr. Chairman, this bill is not perfect. The Committee on War Claims—I ignore myself—is composed of thirteen men, mostly lawyers. All these claims have been given very careful consideration for the last four or five months. I have given my own, I know, but like all other appropriation bills, things come in that probably should not be in, and I have appealed to those gentlemen to wait until we reach them under the five-minute rule and then they could be stricken out, but no, they wanted to debate them now. I say the bill is not perfect. If we treated the river and harbor bill, which I have always voted for, if the gentlemen who oppose this bill would be so anxious about every little item in that bill and wanted to know all about it in general debate, it would take us six months to pass it—as this bill. We would not put in an appropriation for Raccoon River, New Jersey, \$20,000, for boats drawing 21 or 22 inches of water, or, as was said by a gentleman in making a speech in regard to an appropriation, that out in his county a flood had changed the stream and had left his port 10 or 12 miles away from water. If the gentlemen are in earnest in saying that these people are entitled to be paid, this is the way to have them paid. An omnibus bill has been recognized by Congress. It is no more an omnibus bill than the river and harbor bill, no more than any other appropriation bill or public buildings bill. They are all omnibus bills. Now, the claims in here from the Court of Claims have had the sanction from the court. I am very free to say I have read their decisions, most of them, all of them, but we are not going to criticise the court we created. If they make a mistake, that is their business. The gentleman from Illinois ruled the French spoliation items out on the point of order, which point is well taken. We put that in

simply to guard this Congress against fraudulent claims. Now, Mr. Chairman, as I say, the committee worked hard on this bill. There is nothing personal in it. I do not know these claimants. I have always stood by what I believe, that when a man had an honest claim against the Government the Government ought to pay him. I reported that Schiffer claim myself. I wrote that report, and with all due deference to my friend from Illinois, he could not write a better one. There is a great deal of work on it, and I am satisfied that man should be paid, but, Mr. Chairman—

Mr. OTJEN. A gentleman said you criticised the Supreme Court.

Mr. MAHON. I said the nonintercourse act was pleaded, and, of course, the court very properly refused to give judgment. That is all. These gentlemen talk about being willing to have all these people paid. There has been a disposition on the part of Congress—not of Congress, but some gentlemen on the floor of this Congress and on this side—to defeat this bill by parliamentary tactics and delay. There is no use whitewashing, I understand that. It is the purpose to kill this bill to-day and keep the House from voting for it and not let it come up this session. If the gentleman from Illinois was chairman of the Committee on War Claims and should put these bills on the Calendar, though a young man—I am nearly old enough to be his grandfather—

Mr. MANN. Older in wisdom.

Mr. MAHON. And attempt to pass the legitimate claims that come in this Congress, he would have the frosts of one hundred and fifty winters on his head before he got half through. The gentleman knows it is impossible. Now, as I said to the committee, to the gentleman from Illinois, and the gentleman from New York, if there are any bills that they object to, when they are reached I agree to give plenty of time to amend or to strike out, and I am very frank to say, in regard to the Stark case, I was not in sympathy with appropriating the whole amount. I had intended when reaching that part of the bill to move to cut it out and pay one-half.

But taking that bill and the other, which is the insurance case, which will probably open some very just criticism, there is no criticism which can be made justly as to the balance of these claims against the Court of Claims. So let us bring this bill up and pass it, and if the gentlemen move to strike out and amend I will agree to give them time in which to do it. If we are not to pass this bill there is no use to waste the time of the House, because if the gentleman is going to have every item scrutinized and every item debated we could not pass it if we were to stay here for six months.

Mr. KEIFER rose.

Mr. MANN. Mr. Chairman, I want to keep my time. The gentleman from Ohio [Mr. KEIFER] is entitled to some time himself.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has twelve minutes.

Mr. MANN. I will reserve the balance of my time, if I may, until the gentleman from Ohio [Mr. KEIFER] yields.

Mr. KEIFER. Mr. Chairman, I am only in this debate accidentally. I undertook to state from memory what I believed was the law relating to this class of claims, perhaps not to all of them included in this bill, and did not rise originally to antagonize the bill or any provision of it. I undertook to state merely from memory the principle I understood, from having examined the subject more than a quarter of a century ago, obtaining in all of the civilized nations of the world, and in my imperfect way I succeeded in stating so much of it as led gentlemen all around me to contend that I had fallen into an error. And the distinguished chairman of the committee found a case and read it that was in exact opposition to the principle that I stated.

Now, I did state that the principle of that case had been overruled long ago—totally overruled in this country—by a tribunal that met for the purpose of considering war claims, and by various other courts, and I only now arise for the purpose of settling the question so far as justifying myself, and to read from only one case, a case of the highest authority, that of the *United States v. Pacific Railroad*, found on page 227 of 120 *United States Reports*, and decided in 1886. I may state preliminarily that the decision rendered was the unanimous judgment of the Supreme Court of the United States, all the judges of that court concurred therein, and the opinion which I may read from is that of Justice Field, one of the most eminent of the justices of that court. I read the first proposition of the syllabi of the case, as follows:

The United States are not responsible for the injury or destruction of private property caused by their military operations during the civil war.

Now, so that we may get a clear statement—

Mr. MANN. I hope the gentleman will read that over again, so that the gentleman from Pennsylvania [Mr. MAHON] will get the full import of it.

Mr. KEIFER. I will read what will include it. Justice Field, in considering this case, which was a claim for large damages—about \$136,000—took pains, for the benefit of the country, to review the decisions and the writers on law of this country and other countries. Let me read a little from his opinion, reading first from page 233 of the volume:

The war, whether considered with reference to the number of troops in the field, the extent of military operations, and the number and character of the engagements, attained proportions unequalled in the history of the present century. More than a million of men were in the armies on each side. The injury and destruction of private property caused by their operations, and by measures necessary for their safety and efficiency, were almost beyond calculation. For all injuries and destruction which followed necessarily from these causes no compensation could be claimed from the Government. By the well-settled doctrines of public law it was not responsible for them. The destruction or injury of private property in battle, or in the bombardment of cities and towns, and in many other ways in the war, had to be borne by the sufferers alone as one of its consequences. Whatever would embarrass or impede the advance of the enemy, as the breaking up of roads or the burning of bridges, or would cripple and defeat him, as destroying his means of subsistence, were lawfully ordered by the commanding general. Indeed, it was his imperative duty to direct their destruction. The necessities of the war called for and justified this. The safety of the State in such cases overrides all considerations of private loss. *Salus populi* is then, in truth, *suprema lex*.

These views are sustained in treatises of text writers, by the action of Congress, and by the language of judicial tribunals. (*Respublica v. Sparhawk*, 1 Dall., 337; *Parham v. The Justices*, 9 Geo., 341; *Taylor v. Nashville and Chattanooga Railroad*, 6 Coldwell, 646; *Mayor v. Lord*, 18 Wend., 126.)

Vattel, in his *Law of Nations*, speaks of damages sustained by individuals in war as of two kinds—those done by the state and those done by the enemy. And after mentioning those done by the state deliberately and by way of precaution, as when a field, a house, or a garden belonging to a private person is taken for the purpose of erecting on the spot a town rampart or other piece of fortification, or when his standing corn or his storehouses are destroyed to prevent their being of use to the enemy, and stating that such damages are to be made good to the individual, who should bear only his quota of the loss, he says: "But there are other damages caused by inevitable necessity, as, for instance, the destruction caused by the artillery in retaking a town from the enemy. They are merely accidents; they are misfortunes which chance deals out to the proprietors on whom they happen to fall."

The sovereign, indeed, ought to show an equitable regard for the sufferers if the situation of his affairs will admit of it; but *no action* lies against the state for misfortunes of this nature—for losses which she has occasioned, not willfully, but through necessity and by mere accident, in the exertion of her rights. The same may be said of damages caused by the enemy. All the subjects are exposed to such damages, and woe to him on whom they fall. The members of a society may well encounter such risk or property, since they encounter a similar risk of life itself. Were the state strictly to indemnify all those whose property is injured in this manner, the public finances would soon be exhausted, and every individual in the state would be obliged to contribute his share in due proportion, a thing utterly impracticable.

A word more, Mr. Chairman. I read further from the same opinion:

The principle that for injuries to or destruction of private property in necessary military operations during the civil war the Government is not responsible is thus considered established. Compensation has been made in several such cases, it is true; but it has generally been, as stated by the President in his veto message, "a matter of bounty rather than of strict legal right."

In what we have said as to the exemption of government from liability for private property injured or destroyed during war by the operations of armies in the field, or by measures necessary for their safety and efficiency, we do not mean to include claims where property of loyal citizens is taken for the service of our armies, such as vessels, steamboats, and the like, for the transport of troops and munitions of war, or buildings to be used as storehouses and places of deposit of war material, or to house soldiers or take care of the sick, or claims for supplies seized and appropriated. In such cases it has been the practice of the Government to make compensation for the property taken. Its obligation to do so is supposed to rest upon the general principle of justice, that compensation should be made where private property is taken for public use, although the seizure and appropriation of private property under such circumstances by the military authorities may not be within the terms of the constitutional clause. (*Mitchell v. Harmony*, 13 How., 115, 134; *United States v. Russell*, 13 Wall., 623.)

While the Government can not be charged for injuries to or destruction of private property caused by military operations of armies in the field or measures taken for their safety and efficiency, the converse of the doctrine is equally true, that private parties can not be charged for works constructed on their lands by the Government to further the operations of its armies. Military necessity will justify the destruction of property, but will not compel private parties to erect on their own lands works needed by the Government, or to pay for such works when erected by the Government. The cost of building and repairing roads and bridges to facilitate the movements of troops or the transportation of supplies and munitions of war must therefore be borne by the Government.

The concluding sentence of this admirable opinion, in so far as it relates to the disposition of the claim for such damages, is:

The court will leave the parties where the war and the military operations of the Government left them.

Now, Mr. Chairman, I feel like congratulating myself that I made a pretty good guess at what the law of this country is on the question of war damages. My statement a few moments ago was warranted by a decision of the highest judicial tribunal in

this country. The case of Grant was decided in October, 1863, and was not well considered by the then new Court of Claims, and it has been long ago overruled in principle and by name as we have seen. But whether so or not, the principle laid down here by Justice Field in his opinion, which was put, with the concurrence of all his associates, into the first proposition of the syllabi of the case, disposes of that and of all other cases of this class, and firmly establishes the rule which should obtain here in disposing of this class of claims, unless you propose to treat them as mere bounties and deal with them as such.

Mr. MANN. Mr. Chairman, I am perfectly willing that the gentleman should have more time if he desires it. I will yield him all the time he wants, but I do not want to lose my rights.

Mr. MAHON. I do not care to indulge in personalities or to talk about the movement of military forces. There was no conflict in hundreds of miles. I still sustain and still hold to my legal position. There had been marching to battle and to conflict, and property had been destroyed all the time, for which there was no compensation paid. That was all thrashed out in the decision before the Court of Claims, and the question was, Shall the Attorney-General refuse to appeal it to the Supreme Court of the United States?

Now, Mr. Chairman, it is very evident that if we are going to examine every claim in this bill, it will take all night, and I move that the committee do now rise.

Mr. MANN. Before the gentleman makes that motion, will he not allow me to make a statement?

Mr. MAHON. I have no objection.

Mr. MANN. A few moments ago the gentleman from Pennsylvania stated that he did not propose to impugn the motives of the gentleman from Illinois, referring to me, and said that the procedure in the House practically established that under the rules of the House the purpose was to prevent the consideration of this bill, the intimation being this was probably somewhat directed by the Speaker of the House.

Now, Mr. Chairman, so far as I am concerned, I want to say that I never have exchanged words with the Speaker of the House of Representatives in reference to the omnibus claims bill or in reference to this matter in any way whatever. During the holidays I obtained some of the claims which had been reported from this committee, as a sort of light reading. It was my misfortune, when born, to be born with an inquiring turn of mind. That is something that, while I may be blamed for it, still gentlemen will have to forgive me, because it is natural. [Laughter.] I endeavored to obtain the bills which had been reported from this committee, knowing that they were entitled to a day soon in the House, and, being in favor of giving them their day, I asked for a complete set, from the document room, of all the bills on the Calendar that had been reported from this committee and from the Committee on Claims. And I want to assure the gentlemen of the House, as an aside, that I never have had more entertainment than in reading some of the reports of these two committees, which were so interesting that several nights, without even an indication of sleepiness, I continued their perusal until after 2 o'clock in the morning. But I failed to get the omnibus claims bill. I did not know there was an omnibus claims bill pending in Congress, and when some gentleman said to me on the floor to-day when we met, that we were going to consider the omnibus claims bill, I said: "There is no such bill on the Calendar. Was that bill reported this morning?" So that the insinuation of the gentleman, that this is a prearranged plan, is wholly the product of his vivid imagination, which he has not confined to his statements concerning my action, but has put into some of his reports on these claims. If he had left his vivid imagination behind him in passing upon some of these claims, and had confined the report of this committee to claims which ought to be paid and about which there could be no question, I would not be found here to-day objecting.

Now, there is another thing. The gentleman from Pennsylvania [Mr. MAHON] has been here fourteen years. There is no man in this House for whom I have more respect and more honor than the gentleman from Pennsylvania. I appreciate his trying position. I appreciate the fact that he has been the target for more lobbyists, more people desiring to get money out of the Treasury, than any other man in Congress during those fourteen years. I do not criticise him for bringing in these reports. I understand that we are all subject to be influenced, not by improper motives, but by the facts that are stated to us, the arguments that are made before us, and very often we are persuaded, possibly against our will, to decide in favor of a thing at a particular time, which afterwards we think was wrong. The gentleman from Pennsylvania has been here fourteen years. I have not been here so long. I am just closing my tenth year in this House; but I have been here long enough

to know that whenever an omnibus claims bill has passed this House, it usually has passed with most of the claims in it perfectly proper and legitimate; but after leaving this House it has gone to another place and there been filled up with claims which no honest government ought to pay, and then under certain peculiar circumstances, which are always allowable in legislative bodies in the closing days of Congress, the situation has arisen referred to the other day by the distinguished gentleman from Missouri [Mr. CLARK], where the jobs have been put through, where things that ought not to go in have been allowed, because people wanted to pay just claims and in order to pay just claims they were required to pay others which were unjust. I know that gentlemen in the House here who are waiting to have their little claims considered for people in their districts, claims that ought to be paid, are not willing to vote against their own claims in order to kill other claims which they never would favor; and when the gentleman from Pennsylvania [Mr. MAHON] is willing to say to the House that when this bill passes the House, certain classes of claims shall be stricken out and that they shall not be reinserted and agreed to by him in conference, and that other claims which ought not to be paid shall not be agreed to by him in conference and then reported into the House of Representatives in the closing hours of the session, when probably there will not be forty men in the House, when no one dares to raise the question of no quorum because it would mean an extra session of Congress—when the gentleman makes that agreement, I am willing to waive my rights under the rules of the House; but until he does, I shall insist upon my rights as a Representative under the rules of the House.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman a question.

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. The gentleman has well stated that matters are crowded through Congress here at the last days of each session. We all know that that is a fact. Does he not think that all of the troubles which he has been alluding to, or a great many of them, could be avoided if all the Members of the House and all the members of the Senate would come here every day, as he does, and a few others that I could mention, and attend to the business of the people, instead of waiting until the dying hours of Congress and then rushing the business through?

Mr. MANN. Well, Mr. Chairman, if the gentleman will pardon me for answering that question, I may say that I have some doubt whether if all the Members were as "numerous" on different occasions as I am, when probably they ought to be in their seats—if they all came here and did the same thing that I am doing, I am afraid there never would be anything done. [Applause and laughter.]

Mr. GAINES of Tennessee. I think it is a godsend, and I think it is a blessing to the country and to the Treasury of the United States, that the gentleman is not only in his seat as often as he is, but that he is on his feet as often as he is, protesting against the wrongs and pointing out the evils that creep into legislation here because of the chronic absence of the Members of this House.

Mr. KEIFER. I would like to ask the gentleman from Illinois [Mr. MANN] whether he did not include with himself the gentleman from Tennessee [Mr. GAINES] in the statement he has just made. [Laughter.]

Mr. GAINES of Tennessee. Oh, I am always included in everything that is wrong by some people, and I would rather be thus included than otherwise, considering the sources the criticisms sometimes come from. [Laughter.]

Mr. MAHON. Mr. Chairman, I want to say to the gentleman from Illinois that I am very sorry he brought the name of the Speaker into this matter. The name of the Speaker was not in my mind at all. I saw when we started that if the gentleman were to exercise his rights under the rules of this House, the bill could never be passed at this session. Of course he has a right to do that, and I have no complaint to make. As to this bill going over to the Senate, I have had charge of some very large omnibus bills. We once passed a bill out of this House carrying eight or nine hundred thousand dollars. When it came back from the Senate it had \$9,000,000 added, and my friend from New York [Mr. PAYNE] will bear me out in the statement that we stood for two months in conference and forced the Senate conferees to knock out about \$8,000,000 of the claims that they had put on. Gentlemen who have served on conference committees between the Senate and the House on omnibus bills will understand the situation. I know the men who are familiar with the passage of these conference reports and bills will do me the credit of saying that I always try to get for the House what I think will satisfy the House. I am not anxious to get

on the conference committee this year. It means long work. I have no reflections to make. I have been here long enough to know some things, and we had not been on this bill ten minutes before I knew that I would not get it through to-day. I saw the movements of, not the Speaker, but of lieutenants and captains of legislation. I am not complaining. They have a right to do it, but when I saw the getting together and the movements I knew exactly the plan of battle that had been laid out and what I was up against, and I knew this bill could not go through to-day.

Now, the gentleman from Tennessee [Mr. GAINES] is complaining about our not remaining here. The only complaint I have got to make of the gentleman from Tennessee is in reference to an interview which I noticed in the Washington Times the other day, in which he said that my friend from New York [Mr. PAYNE] and himself and a few others were "frazzled out," as he used the term. A gentleman sitting alongside of me suggested that if our friend from Tennessee would go down to Tennessee for a month or two and get the good of mountain air there and get the frazzle out of him, it would be a good thing for everybody. [Laughter.]

Mr. GAINES of Tennessee. I am sure, Mr. Chairman, that if I follow the example of the distinguished gentleman from Pennsylvania [Mr. MAHON] I would be away from here 95 per cent of my time. Now, if the gentleman wants to make this matter personal, I want to say to the country at large and to this House that if there is any law on the statute book for docking absenteers, whether the gentleman from Pennsylvania [Mr. MAHON] or the gentleman from Ohio [Mr. KEIFER] or the gentleman from Tennessee or elsewhere, I am going to have that law enforced if I can, even though the gentleman from Pennsylvania is going to try to keep this House from enforcing this law.

Mr. MAHON. Yes; and I did not dock myself.

Mr. GAINES of Tennessee. Oh, I have been reading the gentleman's speech in the House in 1894 on that question. He says there is no law on the books for that, and he protested against it because the Sergeant-at-Arms of the House undertook to dock him. Now, I have a record of being here and standing by the law, and I want the gentleman, if he can not take an example from me in anything else, to at least remain here in his committee room working on these claims, so that he may bring in cleaner claims and better claims, and so that the gentleman from Illinois [Mr. MANN] and others will not take up all of the time of the House in trying to purge the bill of its evil claims, which could be avoided if the gentleman would bring in a clean bill, one that we can pass in a few hours.

Mr. MAHON. Mr. Chairman—

Mr. SIMS. A good deal of the time of the House has been used up by the gentleman from Illinois in purging the bill of the Stark claim.

Mr. GAINES of Tennessee. That is all right, if it is an unclean claim coming from my district let it be purged, but let the gentleman from Pennsylvania stay in his committee room instead of staying at home, thereby forcing the bill to be purged by the Committee of the Whole.

Mr. SIMS. Does the gentleman think that the Stark claim is a bad claim?

Mr. GAINES of Tennessee. Oh, no; but—

Mr. MANN. I have not referred to the Stark claim to-day.

Mr. GROSVENOR. Mr. Chairman, I have a question of privilege. I would ask that the gentleman from Tennessee indicate more clearly to what gentleman from Ohio he refers.

Mr. GAINES of Tennessee. I meant the gentleman's colleague, Mr. KEIFER, who made his usual sling at me. No man can run me from this House or elsewhere.

Mr. GROSVENOR. Then the gentleman acquits me.

Mr. GAINES of Tennessee. I acquit the gentleman.

Mr. MAHON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RODENBERG, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19003), the omnibus claims bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WACHTER, 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.

H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.;

H. R. 4554. An act to remove the charge of absence without

leave and reported desertion from the military record of J. F. Wisnewski;

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River, in Allegheny County, Pa.;

H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906.

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 2978. An act granting a pension to Amanda M. Webb;

H. R. 3338. An act granting an increase of pension to Lafayette Franks;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 4689. An act granting an increase of pension to James Reeder;

H. R. 4900. An act granting an increase of pension to Andrew J. Slinger;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 5846. An act granting an increase of pension to John M. Chandler;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 7719. An act granting an increase of pension to George Fetterman;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 8481. An act granting an increase of pension to Richard Callaghan;

H. R. 8712. An act granting an increase of pension to Josiah Hall;

H. R. 9107. An act granting a pension to James W. Russell;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 9465. An act granting a pension to Ella Q. Parrish;

H. R. 9836. An act granting an increase of pension to Dier Collett;

H. R. 10814. An act granting a pension to Eugene A. Myers;

H. R. 11142. An act granting an increase of pension to James McQuade;

H. R. 11483. An act granting a pension to Maria Niles;

H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;

H. R. 12190. An act granting an increase of pension to Milton R. Dungan;

H. R. 12339. An act granting an increase of pension to Charles T. Murray;

H. R. 12482. An act granting an increase of pension to Samuel B. McLean;

H. R. 12517. An act granting a pension to William Bays;

H. R. 12667. An act granting an increase of pension to Charles W. Weber;

H. R. 13057. An act granting an increase of pension to James S. Salsberry;

H. R. 14144. An act granting a pension to Allen M. Cameron;

H. R. 14199. An act granting an increase of pension to John Ewing;

H. R. 14480. An act granting an increase of pension to Mary C. Moore;

H. R. 14537. An act granting an increase of pension to Robert B. Crawford;

H. R. 14680. An act granting an increase of pension to Sampson Parker;

H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;

H. R. 15620. An act granting an increase of pension to David D. Owens;

H. R. 15713. An act granting an increase of pension to William McCrea;

H. R. 16211. An act granting an increase of pension to John W. Montgomery;

H. R. 16342. An act granting a pension to Matilda Foster;

H. R. 16397. An act granting an increase of pension to Allie Williams;

H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;
 H. R. 16741. An act granting an increase of pension to William J. Giryan;
 H. R. 16747. An act granting a pension to Sherman Jacobs;
 H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;
 H. R. 16856. An act granting an increase of pension to Joseph McBride;
 H. R. 17481. An act granting a pension to Eliza F. Wadsworth;
 H. R. 17651. An act granting an increase of pension to Mary A. Riley;
 H. R. 17675. An act granting an increase of pension to Jonas M. Sees;
 H. R. 17691. An act granting an increase of pension to George W. Henrie;
 H. R. 17874. An act granting an increase of pension to Roseanna Hughes;
 H. R. 17918. An act granting a pension to Walter S. Harman;
 H. R. 18018. An act granting an increase of pension to David Evans;
 H. R. 18045. An act granting an increase of pension to John M. Webb;
 H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;
 H. R. 18113. An act granting an increase of pension to Louisa M. Sees;
 H. R. 18193. An act granting an increase of pension to Walden Kelly;
 H. R. 18214. An act granting an increase of pension to John Ingram;
 H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;
 H. R. 18343. An act granting an increase of pension to John N. Oliver;
 H. R. 18363. An act granting an increase of pension to Rudolph Bentz;
 H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;
 H. R. 18429. An act granting an increase of pension to David Mitchell;
 H. R. 18493. An act granting an increase of pension to George H. Reeder;
 H. R. 18705. An act granting an increase of pension to Thomas T. Page;
 H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;
 H. R. 19080. An act granting an increase of pension to Frederick Fienop;
 H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;
 H. R. 19119. An act granting an increase of pension to Susan M. Osborn;
 H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;
 H. R. 19162. An act granting an increase of pension to Charles Van Tine;
 H. R. 19174. An act granting an increase of pension to Martha A. Billings;
 H. R. 19215. An act granting an increase of pension to John Lingenfelder;
 H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;
 H. R. 19293. An act granting an increase of pension to William Colvin;
 H. R. 19298. An act granting an increase of pension to Job B. Crabtree;
 H. R. 19300. An act granting an increase of pension to Phebe Easley;
 H. R. 19318. An act granting an increase of pension to Mary E. Rivers;
 H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;
 H. R. 19320. An act granting an increase of pension to Louise J. Pratt;
 H. R. 19321. An act granting an increase of pension to Mary E. Turner;
 H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;
 H. R. 19323. An act granting an increase of pension to Orlando L. Levy;
 H. R. 19324. An act granting an increase of pension to Susan M. Long;

H. R. 19325. An act granting an increase of pension to George Oppel;
 H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;
 H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;
 H. R. 19359. An act granting an increase of pension to Levi Brader;
 H. R. 19494. An act granting an increase of pension to Elias S. Falkenburg;
 H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;
 H. R. 19416. An act granting an increase of pension to Antonio Macello;
 H. R. 19463. An act granting an increase of pension to Emma L. Patterson;
 H. R. 19483. An act granting a pension to Lydia A. Patnaude;
 H. R. 19503. An act granting an increase of pension to David S. Jones;
 H. R. 19504. An act granting an increase of pension to Margaret E. Walker;
 H. R. 19511. An act granting an increase of pension to Alexander Dixson;
 H. R. 19514. An act granting an increase of pension to James H. Stimpson;
 H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;
 H. R. 19530. An act granting an increase of pension to Charles P. Gray;
 H. R. 19534. An act granting an increase of pension to Noah Resseque;
 H. R. 19587. An act granting an increase of pension to Martha Ann Jones;
 H. R. 19601. An act granting an increase of pension to John E. Kingsbury;
 H. R. 19611. An act granting an increase of pension to Jacob Kinkley;
 H. R. 19626. An act granting an increase of pension to Samuel Campbell;
 H. R. 19743. An act granting an increase of pension to W. P. McMichael;
 H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;
 H. R. 19819. An act granting an increase of pension to Johanna Kearney;
 H. R. 19889. An act granting an increase of pension to John M. Nelson;
 H. R. 19922. An act granting an increase of pension to Mary A. Sutherland; and
 H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

The Speaker announced his signature to enrolled bills of the following titles:

S. 5565. An act to close certain alleys in the District of Columbia;
 S. 5246. An act to provide for the extension of Geneseo place and Summit place, District of Columbia;
 S. 2098. An act authorizing the extension of Second street NW, from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and W street west of Second street eastwardly to Second street;
 S. 2260. An act authorizing the extension of Meridian place NW.;
 S. 133. An act authorizing the extension of Twenty-third street NW, to Kalorama road;
 S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;
 S. 55. An act for the widening of Bladensburg road, and for other purposes;
 S. 64. An act for the extension of Seventh street and Franklin street NE, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

An act (S. 5869) for the relief of Larvan Gordon—to the Committee on Private Land Claims.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MARSHALL was granted leave of absence, on account of delayed trains.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, under the order previously made (at 4 o'clock and 37 minutes p. m.), the House adjourned to meet again on Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

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

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph C. Smith against The United States—to the Committee on War Claims, and ordered to be printed.

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 Laura E. Roulston, administratrix of estate of James W. Roulston, against The United States—to the Committee on War Claims, and ordered to be printed.

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 William T. Hamner against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Michael Canal, Alaska—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of the Interior, transmitting, in response to the inquiry of the House, a statement of public lands withdrawn from entry since July 1, 1906—to the Committee on the Public Lands, and ordered to be printed, with illustrations.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for an improved telephone service between the various Departments—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of a keeper's dwelling at Fort Point light station, California—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for survey of Pine Ridge and Standing Rock Indian reservations—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for steel file cases—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a draft of proposed legislation to enable his Department to survey, plat, and appraise certain town sites in the Indian Territory—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation that a law be enacted authorizing a patent in fee simple to be issued to Charles C. Geboe, Quapaw allottee—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cold Spring Inlet, Cape May, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Commissioner of the Freedmen's Saving and Trust Company, transmitting report for the year ended December 1, 1906—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, recommending legislation authorizing experimental tests of safety devices for preventing railroad collisions—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for electrical protection for vaults in public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, a statement of the action of the Department in relation to surveys within railroad land grants—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a

recommendation for legislation relating to the capitalization of certain Indian annuities—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Postmaster-General submitting a report of all mail entered at the Washington post-office under the penalty privilege, and the sum which would have been required to pay postage on the same—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the proceedings of the American National Red Cross for the year 1906—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, a bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21942) to construct bridges across the Tug Fork of Big Sandy River, reported the same with amendment, accompanied by a report (No. 5630); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. ADAMSON: A bill (H. R. 23376) to increase the compensation of rural carriers to \$80 per month—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of California: A bill (H. R. 23377) providing for the sale of grazing and stone lands and milling timber, and for other purposes—to the Committee on the Public Lands.

By Mr. BROOCKS of Texas: A bill (H. R. 23378) to provide for a survey of the Sabine River in Louisiana and Texas—to the Committee on Rivers and Harbors.

By Mr. STEPHENS of Texas: A bill (H. R. 23379) for cleaning, clearing, and putting in navigable condition Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. ALLEN of Maine: A bill (H. R. 23380) to amend the laws relating to the shipment and discharge of American seamen—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 23381) for the widening of Benning road, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 23382) authorizing the extension of Oak street NW.—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: A bill (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE (by request): A bill (H. R. 23384) to amend an act entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia' regulating proceedings for condemnation of land for streets"—to the Committee on the District of Columbia.

By Mr. BOWERS: A bill (H. R. 23385) for a survey of the harbor at Biloxi, Miss.—to the Committee on Rivers and Harbors.

By Mr. McGuIRE: A bill (H. R. 23386) for cleaning, clearing, and putting in navigable condition the Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. WALLACE: A bill (H. R. 23387) for the improvement of the Red River from Fulton, Ark., to the mouth of said river, cleaning, clearing, and putting in navigable condition—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: A bill (H. R. 23388) to establish a sub-treasury at Macon, Ga.—to the Committee on Ways and Means.

By Mr. WALLACE: A bill (H. R. 23389) for cleaning, clearing, and putting in navigable condition Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23390) to establish a national wood-testing laboratory—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: A bill (H. R. 23391) to change the time of holding the United States district courts in the eastern district of North Carolina and to provide for the appointment of a clerk of the courts at Washington, N. C.—to the Committee on the Judiciary.

By Mr. LEVER: A bill (H. R. 23392) to establish a sub-

treasury at Columbia, S. C.—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 23393) providing that hours of service of certain employees engaged in operating any steam railroad in the District of Columbia shall be limited to not more than eight hours in any twenty-four consecutive hours—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 23394) to provide for an additional district judge for the northern district of California—to the Committee on the Judiciary.

By Mr. VREELAND: A resolution (H. Res. 675) for the employment of five additional folders in the folding room of the House—to the Committee on Accounts.

By Mr. GREENE: A resolution (H. Res. 676) requesting information from the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: A joint resolution (H. J. Res. 210) extending the pension act of July 27, 1892, to certain officers and men of the Army—to the Committee on Pensions.

By Mr. McCLEARY of Minnesota: A joint resolution (H. J. Res. 211) authorizing the transfer of the files, books, and pamphlets of the Industrial Commission—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23395) granting a pension to Amanda Pearson—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 23396) to refund customs taxes illegally assessed and collected of John B. Keating, of Portland, Me.—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 23397) granting an increase of pension to David Denholm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23398) granting an increase of pension to Quincy Adams Stiteler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23399) granting an increase of pension to Frank A. Hill—to the Committee on Pensions.

Also, a bill (H. R. 23400) granting an increase of pension to C. H. Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23401) for the relief of Louis Kahn—to the Committee on Claims.

Also, a bill (H. R. 23402) granting an increase of pension to Henry W. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23403) for the relief of Manuel Madril, of New Mexico—to the Committee on Claims.

By Mr. AMES: A bill (H. R. 23404) granting an increase of pension to Lewis Zaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23405) granting an increase of pension to David Curran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23406) granting an increase of pension to Dennis Sullivan—to the Committee on Pensions.

Mr. ANDRUS: A bill (H. R. 23407) granting an increase of pension to Hurd L. Miller—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 23408) granting a pension to Charles E. Holcomb—to the Committee on Pensions.

Also, a bill (H. R. 23409) for the relief of the heirs at law of Wesley C. Welch, deceased—to the Committee on War Claims.

By Mr. BENNET of New York: A bill (H. R. 23410) to amend the military record of Howard A. Whitfield—to the Committee on Military Affairs.

By Mr. BISHOP: A bill (H. R. 23411) granting a pension to George H. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23412) granting an increase of pension to Daniel L. Barnes—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 23413) granting a pension to the surviving members and the widows of members of the Forsythe Scouts—to the Committee on Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 23414) granting an increase of pension to Joseph Riddle—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 23415) granting a pension to Frank West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23416) granting a pension to William Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23417) granting a pension to Lafayette J. Spangle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23418) granting a pension to William Cockrum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23419) granting a pension to William J. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23420) granting a pension to Benjamin F. Longacre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23421) granting a pension to Thomas Inman—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23422) granting an increase of pension to Samuel Richard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23423) granting an increase of pension to Elridge Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23424) granting an increase of pension to William H. Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23425) granting an increase of pension to James Cheffer—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 23426) granting an increase of pension to John S. Bergen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23427) granting an increase of pension to Mary E. Young—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 23428) granting a pension to Louie E. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23429) granting an increase of pension to William McAdams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23430) granting an increase of pension to Giles J. Titus—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 23431) granting a pension to Henry S. Corey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23432) granting a pension to James Le Gro—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23433) granting an increase of pension to James T. Cantrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23434) granting an increase of pension to James T. Gothard—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 23435) granting a pension to Martha R. O. Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23436) granting an increase of pension to Jonas P. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23437) to remove the charge of desertion from the military record of John Regan and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DAWSON: A bill (H. R. 23438) granting an increase of pension to Harvey Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23439) granting an increase of pension to Charles E. Goodno—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 23440) granting a pension to Carrie May Allen—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 23441) granting an increase of pension to John Mess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23442) granting an increase of pension to James J. Lawley—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23443) granting an increase of pension to Louisa R. Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23444) granting an increase of pension to Jennie E. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23445) granting an increase of pension to Phaon F. Gerhard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23446) to correct the military record of Aaron B. Galloway—to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 23447) granting a pension to John H. T. Yost—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 23448) granting an increase of pension to William D. Galloway—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23449) granting a pension to Menzo W. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23450) granting a pension to Edson Billings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23451) granting a pension to William Woodhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23452) granting a pension to Stephen L. Tobe—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 23453) granting an increase of pension to Margaret T. Everly—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23454) for the relief of Sarah E. Terrill—to the Committee on War Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 23455) granting an increase of pension to Robert Magill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23456) granting an increase of pension to William H. Hutchinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23457) granting an increase of pension to Nathan S. Martin—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23458) granting an increase of pension to Edgar D. Ellis—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23459) granting an increase of pension to Mary Morgan—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 23460) authorizing a survey of the Arroya Colorado, in Texas, from Harlingen to Point Isabel—to the Committee on Rivers and Harbors.

By Mr. GILL: A bill (H. R. 23461) for the relief of the Sanford & Brooks Company—to the Committee on Claims.

Also, a bill (H. R. 23462) granting a pension to Catherine Myer—to the Committee on Pensions.

Also, a bill (H. R. 23463) granting an increase of pension to Thomas E. Kelly—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 23464) authorizing the President to nominate and appoint Trangett F. Keller as second lieutenant in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 23465) granting a pension to Abraham W. Eckstein—to the Committee on Pensions.

Also, a bill (H. R. 23466) granting a pension to Michael Baker—to the Committee on Pensions.

Also, a bill (H. R. 23467) granting an increase of pension to Michael Flanagan—to the Committee on Pensions.

Also, a bill (H. R. 23468) granting an increase of pension to Martin Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23469) granting an extension of letters patent No. 482951 to William D. Stratton and John H. Drake—to the Committee on Patents.

By Mr. GRONNA: A bill (H. R. 23470) for the relief of Henry Rustan—to the Committee on Claims.

By Mr. HASKINS: A bill (H. R. 23471) granting an increase of pension to Joseph A. Robinson—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 23472) granting an increase of pension to John Bolles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23473) granting an increase of pension to Henry E. Silcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23474) granting an increase of pension to Horace R. Chester—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 23475) granting an increase of pension to T. J. Green—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 23476) granting an increase of pension to Fredrick Ellison—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 23477) granting an increase of pension to Caroline Vick—to the Committee on Pensions.

By Mr. LORIMER: A bill (H. R. 23478) granting an increase of pension to Ezekiel Downey—to the Committee on Pensions.

Also, a bill (H. R. 23479) granting an increase of pension to Charles L. Cureton—to the Committee on Invalid Pensions.

By Mr. MCGUIRE: A bill (H. R. 23480) granting a pension to William Pouder—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 23481) granting an increase of pension to John G. Price—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 23482) granting a pension to Louise H. Curtis—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 23483) granting an increase of pension to James R. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23484) granting an increase of pension to Chancy Buckingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23485) granting an increase of pension to Samuel Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23486) granting an increase of pension to Cornelius Kramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23487) granting an increase of pension to Mrs. John H. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23488) granting an increase of pension to David Furnas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23489) granting an increase of pension to John S. Cantril—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23490) granting an increase of pension to John Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23491) granting an increase of pension to Thomas R. Hornaday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23492) granting an increase of pension to John W. Shirley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23493) granting an increase of pension to William Kunkle—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 23494) granting a pension to Wenzel Patzelt—to the Committee on Pensions.

Also, a bill (H. R. 23495) granting an increase of pension to Adam Sliger—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23496) for relief of trustees of Harpeth Academy—to the Committee on War Claims.

Also, a bill (H. R. 23497) for relief of the trustees of Porter Female Academy—to the Committee on War Claims.

Also, a bill (H. R. 23498) for relief of heirs of Joseph W. Baugh, sr., deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 23499) granting an increase of pension to Thomas J. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23500) for the relief of William A. Chisholm, administrator of William S. Chaplin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23501) for the relief of the estate of Stephen A. Kittles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23502) for the relief of the estate of John Fripp, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23503) for the relief of the heirs of Daniel P. Jenkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23504) for the relief of the heirs of T. B. Fripp, deceased—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 23505) granting an increase of pension to Richard Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23506) granting an increase of pension to William B. Yawger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23507) granting a pension to Myron C. Marshall—to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23508) granting an increase of pension to William M. Veach—to the Committee on Invalid Pensions.

By Mr. RAINY: A bill (H. R. 23509) granting a pension to Kate Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23510) granting a pension to Jennie C. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23511) granting a pension to Garratt Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23512) granting an increase of pension to Barbara N. Stephenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23513) granting an increase of pension to Hobart Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23514) granting an increase of pension to David Everitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23515) granting an increase of pension to Edward P. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23516) granting an increase of pension to Thomas G. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23517) granting an increase of pension to John B. McDowell—to the Committee on Pensions.

Also, a bill (H. R. 23518) granting an increase of pension to Jacob Dougherty—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 23519) granting a pension to Sarah Schafhirt—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 23520) granting an increase of pension to William Harvey—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 23521) granting a pension to Henry Roper—to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 23522) granting an increase of pension to George W. Shacklett—to the Committee on Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 23523) granting an increase of pension to Theodore Groner—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 23524) for the relief of the legal representatives of Samuel Dickins—to the Committee on War Claims.

Also, a bill (H. R. 23525) for the relief of the legal representatives of Samuel Dickins—to the Committee on War Claims.

Also, a bill (H. R. 23526) granting an increase of pension to Stephen D. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23527) granting an increase of pension to Joseph E. Knighton—to the Committee on Pensions.

Also, a bill (H. R. 23528) granting an increase of pension to John M. Smith—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 23529) for the relief of Cora Cousens—to the Committee on War Claims.

Also, a bill (H. R. 23530) for the relief of Louisa Henderman—to the Committee on War Claims.

Also, a bill (H. R. 23531) granting a pension to Barbara Mehlinger—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 23532) granting an increase of pension to Jacob Slemp—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23533) granting an increase of pension to James T. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23534) granting an increase of pension to John L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23535) granting an increase of pension to Thomas Eckols—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 23536) for the relief of the drafted men of Henderson County, Kentucky, and other counties of Kentucky—to the Committee on Military Affairs.

Also, a bill (H. R. 23537) granting an increase of pension to Kinchen L. Terry—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23538) granting an increase of pension to Robert G. Marsee—to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 23539) granting a pension to Henry Wandler—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 23540) granting an increase of pension to M. S. Anderson—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 23541) authorizing the President to nominate and appoint Birchie O. Maffey, John A. Cleveland, and Trauett F. Keller as second lieutenants in the United States Army—to the Committee on Military Affairs.

By Mr. WALLACE: A bill (H. R. 23542) granting an increase of pension to Julia B. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23543) granting an increase of pension to Isaac T. Grindstaff—to the Committee on Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 23544) granting an increase of pension to Clayton E. Blackwell—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 23545) granting a pension to Columba F. Mitchell—to the Committee on Pensions.

Also, a bill (H. R. 23546) for the relief of R. R. McMullan, administratrix of Thomas J. McMullan, deceased—to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 23547) granting an increase of pension to John Shields—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 23548) granting a pension to George Peyton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23549) granting an increase of pension to Isaiah Carter—to the Committee on Invalid Pensions.

By Mr. ELLERBE: A bill (H. R. 23550) granting an increase of pension to Elizabeth C. Smith—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22286) granting a pension to Joseph Felix Bath—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16886) granting a pension to James W. Murray—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Danville Commercial News, against tariff on linotype machines—to the Committee on Ways and Means.

Also, memorial of the International Seamen's Union of America, protesting against passage of the so-called "ship-subsidy bill"—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Petition of Beaver Valley News, New Brighton, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Theophilus Jones—to the Committee on Invalid Pensions.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: Petition of the Ledger, Columbus, Ga., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of R. M. McCaslan, Greenville, Ga., favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against effect of petition of so-called "Maritime Trades' Coun-

cil" relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of New Jersey: Petition of International Seamen's Union of America, against effect of petition of the so-called "Marine Trades' Council" relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ANDREWS: Petition of Evening Citizen and Daily Optic, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BABCOCK: Paper to accompany bill for relief of James W. Walsh and James L. Barney—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of State Camp of Pennsylvania, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, against utterances of the President relative to status of citizens of said city with Japanese—to the Committee on Foreign Affairs.

Also, petition of Arthur E. Paige for appropriation to provide for continuous housing and care of Patent Office model exhibits now in Union Building—to the Committee on Patents.

Also, papers to accompany bill for relief of John Powelson and Joseph Newmeyer—to the Committee on Invalid Pensions.

Also, petition of City Library Association of Springfield, Mass., protesting against the amendment of the copyright law in regard to the free importation of books, etc., by libraries and other institutions of learning—to the Committee on Patents.

Also, petition of the International Seamen's Union of America protesting against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTLETT: Paper to accompany bill for relief of Wesley C. Welch—to the Committee on War Claims.

By Mr. BELL of Georgia: Petition of C. W. Grant, of Clarksville, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: Petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Howard A. Whitefield—to the Committee on Military Affairs.

By Mr. BOWERS: Petition of Day Progress, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Paper to accompany bill for relief of Osborn W. Fish—to the Committee on Invalid Pensions.

By Mr. BURNETT: Papers to accompany bill H. R. 22182, relative to judgment in James R. Boyd *v.* W. D. Clay et al.—to the Committee on the Public Lands.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Thomas Inman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Inman—to the Committee on Invalid Pensions.

Also, petition of the Lead Daily Call, South Dakota, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William J. Sanders, William Cockrum, Lafayette J. Spangle, William Goodwin, and Frank West—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Home for the Blind, Brooklyn, N. Y., for free postage on books for the blind—to the Committee on the Post-Office and Post-Roads.

Also, petition of Eliza M. Stephenson Council, No. 62, Daughters of Liberty, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of publishers of Manufacturing Jeweler, of Providence, R. I., against increase of rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rhode Island Horticultural Society, against free seed distribution—to the Committee on Agriculture.

By Mr. CASSEL: Petition of Lititz Springs Council, No. 196, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. COLE: Petition of the Courier, Findlay, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Pittsburg Council, No. 34, Daughters of Liberty; Pennsylvania State Camp, Patriotic Order Sons of America; Battleship Maine Council, Daughters of

Liberty; National Camp, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of McKeesport Evening Times and Pittsburgh Christian Advocate, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of Commercial Club of St. Paul, for appropriation to reclaim overflowed and swamp lands—to the Committee on Appropriations.

By Mr. DAWSON: Petition of Ministerial Union of Iowa City, for the McCumber-Tirrell bill, relative to sale of liquor on Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. DOVENER: Paper to accompany bill for relief of Calvin C. Shank and Samuel H. Gebhart—to the Committee on Invalid Pensions.

By Mr. DRAPEL: Petition of Shirt-Waist and Laundry Workers' International Union, for passage of House bill 17562 and Senate bill 5469—to the Committee on Labor.

Also, petition of Hall of Division No. 461, Order of Railway Conductors, Whitehall, N. Y., against legislation restricting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce, Troy, N. Y., favoring passage of bill H. R. 9754 (the Wilson bill), for increase of salaries of clerks of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of Edward H. Lisk, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Robert S. Waddell, against the monopoly of the Dupont Powder Company—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, against the President's utterance relative to attitude of people of San Francisco toward the Japanese—to the Committee on Foreign Affairs.

Also, petition of Pennsylvania State Camp and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Petition of stockholders and officers of Bank of Greenwood, Mo., for addition of an inclosed bill of lading amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kansas City Directory Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Paper to accompany bill for relief of William D. Galloway—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America; National Camp, Patriotic Order of Americans, and Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against effect of petition of the so-called Maritime Trades Union relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOOD: Paper to accompany bill for relief of Margaret T. Everly—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Bogenschultz, Henry Hilton, and Corinia Watkins—to the Committee on Pensions.

Also, paper to accompany bill for relief of James H. Murphy and James M. Morrows—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James W. Officer, Samuel Watts, and James R. Atkins—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: Petition of the Demokrat and the Courier, Evansville, Ind., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Ohio Valley Council, No. 23, and Golden Rule Council, No. 5, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Free Trader, Ottawa, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mary Morgan—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Papers to accompany bill (H. R. 22252) granting an increase of pension to William W. Tyson—to the Committee on Invalid Pensions.

Also, petition of Arthur E. Paige, requesting an appropriation to provide for the housing and care of the model exhibits of the Patent Office—to the Committee on Appropriations.

Also, petition of A. McLean, in reference to conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Charles K. Harris, regarding the passage of a copyright law—to the Committee on Patents.

Also, petition of Pennsylvania State Camp, National Camp, and New York Camp, Patriotic Order Sons of America, favoring the passage of the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, in reference to the Japanese conditions in San Francisco—to the Committee on Labor.

Also, petition of the International Seamen's Union of America, of Boston, protesting against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULDEN: Petition of New York Produce Exchange, against free-seed distribution—to the Committee on Agriculture.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Paper to accompany bill for relief of James M. Morris and D. H. Moore—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Hardwick Council, No. 46; Green Mountain Council, No. 9, and Lincoln Council, No. 4, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Petition of Henry Evert et al., citizens of California, against employment of Asiatic cooly labor on Panama Canal and for application of Chinese exclusion law to the Japanese—to the Committee on Foreign Affairs.

Also, petitions of Unity Council, No. 39, Junior Order United American Mechanics, of San Jose, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Charles T. Smith—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of Order of Railway Conductors, against bill limiting hours of labor of railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Paper to accompany bill for relief of David Conner—to the Committee on Invalid Pensions.

Also, petition of New Haven Chamber of Commerce for an appropriation to complete Point Judith Harbor—to the Committee on Rivers and Harbors.

By Mr. HILL of Connecticut: Petition of Banner Council, Daughters of Liberty, South Norwalk, and Friendship Council, of Winstead, Conn., indorsing Senate bill 4403—to the Committee on Immigration and Naturalization.

By Mr. HOUSTON: Paper to accompany bill for relief of E. L. Judkins, Columbus A. Bailiff, and Thomas G. Bratton—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of State Camp of New York, Patriotic Order Sons of America, and Loyalty Council, No. 314, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Business Men's Association, Butler, Pa., for bill H. R. 9754 (Wilson bill)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Butler Eagle, Butler, Pa., and The Despatch, Jeannette, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HULL: Paper to accompany bill for relief of Anson W. Brandt—to the Committee on War Claims.

By Mr. HUNT: Petition of T. S. Beeler Lodge, No. 19, Brotherhood Railway Trainmen, against bill (H. R. 18671) limiting hours of labor of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Pennsylvania State Camp and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Inland Waterway Association, held in Wilmington, N. C., for appropriation to construct waterway from Norfolk, Va., to Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President relative to status of citizens of said city with the Japanese—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of librarian of University of California, against part of copyright law (section 30, bill H. R. 19853)—to the Committee on Patents.

Also, petition of California Miners' Association, indorsing House bill known as the mineral-land bill for segregation of mineral lands within railway land grants—to the Committee on Mines and Mining.

Also, petition of San Francisco Labor Council, against President's utterances relative to status of citizens of California with the Japanese—to the Committee on Foreign Affairs.

Also, petition of Calkins Publishing House, San Francisco Chronicle, Pacific Unitarian, and the Bulletin, San Francisco, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAFEAN: Paper to accompany bill for relief of Francis Weaver and Elias W. Garrett—to the Committee on Invalid Pensions.

Also, petition of Hillam Council, No. 58, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of the Times-Dispatch, Richmond, Va., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of William Buckalew—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of International Seamen's Union of America, against effect of petition of so-called Maritime Trades Council, relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Mississippi River Ram Fleet and Marine Brigade, favoring passage of bill H. R. 7216—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER: Paper to accompany bill for relief of Edmund Coward—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of Daily Mirror, Marion, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Star of Union Council, No. 77, Junior Order United American Mechanics, and John E. Armstrong Council, No. 24, Daughters of Liberty, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of International Seamen's Union of America, against effect of petition of so-called Maritime Trades Council, relative to ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Charles B. Matson et al., against passage of new copyright bill—to the Committee on Patents.

By Mr. PADGETT: Paper to accompany bill for relief of Joseph J. Pritchett, George W. McKim, and John R. Morris—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harpeth Academy, Porter Female Academy, Joseph W. Baugh, Sarah Powell, Sarah J. Cleves, administratrix of estate of Mary Crocket, C. S. Moss, administrator of W. R. Haynes, and John C. Seward, heir of John C. Seward, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for the relief of Claude E. Sawyer and William S. Blair—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: Petition of International Seamen's Union against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: Petition of Newark Grange, No. 366, against free distribution of seeds—to the Committee on Agriculture.

By Mr. PEARRE: Petition of members of St. John Catholic

Church, of Frederick, against attitude of French Government toward Catholic Church—to the Committee on Foreign Affairs.

Also, petition of members of the Methodist Episcopal Church of Baltimore, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. REYBURN: Petition of Schreibers & Sons, Philadelphia, favoring the copyright bill—to the Committee on Patents.

Also, petition of Pennsylvania State Camp and National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Hygienic Fleeced Underwear Company, for Lakes to Gulf deep waterway—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of William Harvey—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of International Seamen's Union of America, against effect of petition of the so-called Maritime Trades Council relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of Seamen's Union of America, against effect of petitions of so-called Maritime Trades Council favoring the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Petition of citizens of Illinois, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN: Resolution of International Seamen's Union, against passage of so-called ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: Paper to accompany bill for relief of Jacob W. Pierce—to the Committee on Invalid Pensions.

By Mr. WALLACE: Paper to accompany bill for relief of Isaac T. Grindstaff—to the Committee on Pensions.

Also, paper to accompany bill for relief of Julia B. Reynolds—to the Committee on Invalid Pensions.

Also, paper to accompany bill for establishment of a national wood-testing laboratory—to the Committee on Appropriations.

By Mr. WOOD of New Jersey: Petition of sundry advertisers, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of mass meeting of colored citizens of New Jersey and colored citizens of Trenton, N. J., against discharge of the Twenty-fifth Infantry, three companies—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Henry S. Scudder—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Paper to accompany bill for relief of Harvey J. Simmons—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Clark Crecelius—to the Committee on Invalid Pensions.

SENATE.

MONDAY, January 7, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TREASURY DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement showing the mail matter entered by the Treasury Department at the Washington City post-office under the penalty privilege during the period July 1 to December 31, 1906; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GIFT TO AMERICAN MINISTER TO MOROCCO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting, pursuant to law, that Mr. Samuel R. Gummeré, the American minister to Morocco, be authorized to accept a sword recently presented to him by the Sultan of Morocco on the occasion of Mr. Gummeré's mission to Fez to present his letters of credence; which was referred to the Committee on Foreign Relations, and ordered to be printed.