

anan, of Craigsville, and of Barbara Stover, administratrix of Jacob Stover, and of Z. F. Colbreath, of Augusta County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. VAN EATON: Papers in the case of Lewis D. Allen—to the same committee.

By Mr. WHEELER: Papers relating to the claim of Phillip Lindsey, of Lauderdale County, Alabama—to the same committee.

Also, petition of Walter Rosser, of Jackson County, Alabama, asking that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented and severally referred to the Committee on Agriculture:

By Mr. C. H. ALLEN: Of citizens of South Lancaster and of Littleton, Mass.

By Mr. J. M. ALLEN: Of citizens of Union; of Garland, Me.; and of Jackson, and of Bolton, Miss.

By Mr. EVERHART: Of citizens of West Chester, Pa.

By Mr. GROUT: Of citizens of Holland; of Brookfield, Vt.; and of New York State.

By Mr. HOLMAN: Of citizens of Freelandville, of Franklin, of Carson, of Ainsworth, of Kendallville, and of Henryville, Ind.

By Mr. MORRILL: Of J. W. Dunthart and 36 others of Willis, and of D. E. Bonett and 20 others of Hiawatha, Kans.

By Mr. A. J. WARNER: Of citizens of Northfield, of East Trumbull, of Ashland, of Johnsonville, of Cincinnati, of Huntsburg, of Stryker, of Painesville, of Austinburg, of Seville, of Rootstown, of Lock, of Wakeman, of Weymouth, of Axtel, and of Beaver Dam, Ohio.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of citizens of Worcester County, Massachusetts.

By Mr. EDEN: Of citizens of Macoupin County, Illinois.

By Mr. PHELPS: Of citizens of Passaic County, New Jersey.

By Mr. SCRANTON: Of citizens of Luzerne County, Pennsylvania.

By Mr. SPRINGER: Of citizens of Mackinaw County, Illinois.

By Mr. STAHLNECKER: Of citizens of Westchester County, New York.

By Mr. A. J. WARNER: Of citizens of Washington County, Ohio.

SENATE.

FRIDAY, May 14, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. HOAR. I have in my hand a copy of a very interesting and able letter addressed to the President of the United States by Mr. William L. Elseffer, civil engineer. Mr. Elseffer is a very eminent civil engineer, and has made a very interesting and important discussion of the existing measures and plans for the improvement of the Mississippi River. I have been asked to introduce a resolution in the Senate requesting the President to forward that letter to the Senate for its information. I have a copy of the letter, and ask leave to present this copy and have it referred to the Committee on Commerce and have it printed, without going through the unnecessary ceremonial of calling upon the President. I understand that the letter is not confidential.

The PRESIDENT *pro tempore*. The Senator from Massachusetts presents a copy of the paper mentioned by him, and asks that it be referred to the Committee on Commerce and ordered to be printed. Is there objection? The Chair hears none, and that order will be made.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present petitions of 119 farmers of the State of Massachusetts praying for the passage of House bill 8328 defining butter and also imposing a tax of 10 cents a pound on that which is not butter. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES presented a petition of citizens of North Reading, Mass.; a petition of citizens of Williamstown, Mass.; and a petition of citizens of Williamsburg, Mass., praying for the passage of a law against the fraudulent sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I present the petition of William G. Bliss and 50 others, citizens of Richford, Vt., praying for legislation to tax or otherwise put down the fraudulent disposition of false butter; a similar petition of J. G. Aldrich and 120 other citizens of Shrewsbury, Vt., praying for the passage of similar legislation; a similar petition of W. S. Shattuck and 104 others, residents and citizens of Weston and vicinity, in the State of Vermont, on the same subject, asking the same relief; also the petition of A. A. Edson and 26 others, citizens of Chester, Vt., praying for the same relief. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HOAR presented petitions of citizens of Boylston and Sterling, in the State of Massachusetts, praying for the enactment of the provisions contained in the bill concerning oleomargarine reported by the House Committee on Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. ALLISON. I present a petition signed by a dozen people in my State, "praying for the abolishment of the American house of lords and the substitution of a republican form of government." I do not know precisely what the petitioners desire, but I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. EVARTS presented a petition of General Hiram Berdan, of New York city, praying for compensation from the United States for the use of his patented fire-arms; which was referred to the Committee on Patents.

Mr. EVARTS. I also present a petition of prominent banks and bankers of the city of New York, praying for the redemption of the trade-dollar.

This is a matter in which my constituents having commercial relations in the city of New York take a great interest. The petition is a brief one and is signed by leading corporations and individuals of distinction in commerce and trade. I ask that it may be printed in the RECORD.

The petition was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable members of the United States Senate and House of Representatives, Washington, D. C.:

Your petitioners respectfully represent that on July 12, 1873, Congress enacted a law authorizing the coinage of a "trade-dollar" and making it "a legal tender for any amount not exceeding \$5 in any one payment."

After \$15,569,000 of these "trade-dollars" had been coined, and a large part of them had entered into circulation, Congress, on the 22d day of July, 1876, by taking away its legal-tender quality, virtually repudiated this coin, but the Mint went on coining them until May, 1878.

Soon after the Government began to coin the "standard dollar" no more "trade-dollars" were issued.

It is calculated that there are now in this country less than six million of these trade-dollars, more than 90 per cent. of which have been taken at par.

All that bear date 1873, 1874, 1875, and 1876 were "legal tender" when issued.

Those bearing date 1877, 1878 were issued after the resolution of repudiation. The withdrawal of the one and two dollar bills is calling into circulation silver dollars, and as the "trade-dollar" and "standard dollar" so nearly resemble each other, innocent parties, particularly laborers, are now receiving trade-dollars in many cases and in ignorance of their repudiation, and then find they can not use them in payment of their bills.

It is bad policy for Government to leave in circulation two coins so nearly alike, one of which is of unlimited legal tender and the other repudiated.

Therefore your petitioners humbly pray that Congress would immediately pass a bill for the redemption of the trade-dollar.

Mr. TELLER. I present a resolution adopted at a convention of wool-growers of Colorado, Wyoming, Utah, and Idaho, held at Salt Lake City, remonstrating against a reduction of the tariff on wool, and favoring the restoration of the tariff of 1867 on wool and woolsens. I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

Mr. PLATT presented a petition of citizens of Manchester, Conn., praying for legislation imposing a tax upon the manufacture of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented the petition of Dr. A. T. Mason and other citizens of Hagerstown, Md., praying that increased appropriations be made to enable the National Board of Health to prosecute investigations into the causes of diseases; which was referred to the Committee on Appropriations.

Mr. SAWYER. I present various petitions signed by 914 dairymen and butter-makers of Wisconsin, praying for the passage of a law taxing the manufacture of imitation butter. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HARRISON presented a memorial of members of the bar of the county of Cochise, in the Territory of Arizona, remonstrating against the passage of House bill 5496, to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in that Territory; which was referred to the Committee on Territories.

Mr. LOGAN presented a petition of the ex-soldiers and citizens of the National League, praying that the recommendations of the national committee of the Grand Army of the Republic be favorably considered by Congress; which was referred to the Committee on Pensions.

Mr. CHACE presented a petition of the New England Southern Con-

ference of the Methodist Episcopal Church, praying for the enactment of laws for the protection of the Chinese; which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Produce Exchange of Chicago, Ill., representing the produce and dairy interests of that State, praying for legislation for the protection of the dairy interests against the sale of imitations of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the directors of the Chicago Board of Trade, remonstrating against the passage of measures proposing to place a tax upon the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a joint memorial of Local Assemblies No. 4080, No. 1597, No. 4052, No. 4327, No. 5449, No. 5959, and No. 1912, Knights of Labor, of Englewood, Ill., remonstrating against proposed legislation to regulate the manufacture and sale of oleomargarine as injurious to the laboring classes and against sound public policy; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented petitions of citizens of Saint Paul, Berne, Heron Lake, Mapleton, Pipe Stone, Rushford, Lewiston, Le Seur, Parke's Prairie, Nashville Centre, and Hutchinson, in the State of Minnesota, praying for the imposition of a tax on imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. LOGAN presented a memorial of the Produce Exchange of Chicago, Ill., representing the produce and dairy interests of that State, favoring the Scott bill, which has for its object the protection of the dairy interest of the United States; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chicago Live Stock Exchange, protesting against the passage of any law which shall interfere with or prevent the manufacture of oleomargarine or butterine; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER presented a petition of citizens of Hudson, N. Y., praying for the passage of a bill for the redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented a petition of citizens of Adams Centre, N. Y., praying for the passage of the bill taxing imitation butter 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2392) to limit the commercial privileges of vessels of foreign countries in the ports of the United States to such purposes as are accorded to American vessels in the ports of such foreign countries, to report it with amendments. I am instructed to offer the bill as an amendment to the House shipping bill, and I shall do so whenever that bill comes up for consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. 2178) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker had appointed Mr. E. S. BRAGG of Wisconsin, Mr. E. L. VILLE of New York, and Mr. JAMES LAIRD of Nebraska, as Visitors to the Military Academy at West Point, N. Y., under the provisions of section 1327 of the Revised Statutes of the United States.

The message also announced that the House had passed the bill (S. 1387) for the completion of a public building at Wichita, Kans.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco in trust for the people of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 2429) granting an increase of pension to Martha A. F. Terret; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2430) for the relief of the estate of the late John How, Indian agent, and his sureties; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 2431) granting a pension to Henry Shoulders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES. I introduce a bill with the merits of which I am un-

acquainted; but it has been sent to the Senate accompanied by a message, which has gone to the other branch. At the request of the Interior Department I introduce it and ask that it be referred to the Committee on Indian Affairs.

The bill (S. 2432) authorizing the Secretary of the Interior to purchase certain improvements belonging to white settlers on the Mesquero Indian reservation, in New Mexico, and appropriating a sum of money therefor, was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LOGAN introduced a bill (S. 2433) granting a pension to Joseph S. Lutz; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2434) to provide for the purchase of grounds and the erection of buildings for the post-office and for other uses for the United States, at Logansport, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON introduced a bill (S. 2435) granting a pension to Henrietta M. Drum Hunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a joint resolution (S. R. 62) authorizing the publication of an edition of a Digest of International Law, edited by Francis Wharton; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. VOORHEES. I submit the following amendments intended to be proposed by me to the river and harbor appropriation bill:

For the improvement of the Chehalis River in Washington Territory, \$5,000.

For the improvement of the Cowlitz River in Washington Territory, \$6,000.

For the improvement of Upper Columbia and Snake Rivers in Oregon and Washington Territory, \$38,000.

For the improvement of the harbor at Olympia, Washington Territory, \$100,000.

For the improvement of Skagit, Steilagumish, Nootsack, Snohomish, and Snoqualmie Rivers in Washington Territory, \$22,000.

I move that the amendments be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, it was—

Ordered, That when the Senate adjourn to-day, it adjourn to meet on Monday next.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was—

Ordered, That the papers in the claim of William H. Beck be taken from the files and referred to the Committee on Claims.

BRANCH SOLDIERS' HOME.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be, and it hereby is, instructed to inquire into the expediency of establishing a branch national home for disabled volunteers in Northern New York or Western Vermont, with a view to the care and assistance of disabled volunteer soldiers residing in that section of the country.

L. C. CAPEN.

Mr. HOAR. I offer by request a resolution to pay L. C. Capen \$210 as compensation for extra labor performed by him while a messenger in the employ of the Senate, accompanied by a letter from Mr. Capen setting forth the grounds of his claim. I move that the resolution with the accompanying petition be referred to the Committee on Contingent Expenses of the Senate.

The resolution was referred to the committee to Audit and Control the Contingent Expenses of the Senate; as follows:

Resolved, That there be paid out of the contingent fund of the Senate to L. C. Capen the sum of \$210, as compensation for 294 hours of extra labor performed by him while messenger from February 5, 1885, to April 4, 1885.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is now in order.

The Chair will advise the Senate that under the fifth rule it is his duty to interrupt Senators at the end of five minutes, and although it is sometimes an unpleasant duty, Senators will feel that it is simply done in obedience to the imperative rule of the Senate.

Mr. CONGER. I was unable to hear what the statement of the Chair was.

The PRESIDENT *pro tempore*. The statement was simply to remind Senators that it is the duty of the Chair to enforce the five-minute rule,

and although it is sometimes unpleasant, yet Senators must remember that it is the rule which imposes the duty and not the wish of the Chair to interpose.

Mr. MAHONE. I ask the unanimous consent of the Senate at this time to take up certain bills relating to public buildings, which are on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the unanimous consent of the Senate that the Senate proceed to the consideration of bills reported from the Committee on Public Buildings and Grounds. Is there objection? The Chair hears none.

Mr. RIDDLEBERGER. I wish to ask the Senator whether he means to take up all the bills which are reported from the Committee on Public Buildings and Grounds?

Mr. MAHONE. That is what I propose to do.

Mr. CONGER. I desire to object to the taking up of any series of bills not regularly on the Calendar.

Mr. MAHONE. These bills are on the Calendar.

Mr. CONGER. It is not proposed to take them up regularly in their order on the Calendar.

The PRESIDENT *pro tempore*. The Chair understands that assent has been unanimously given. Did the Senator from Michigan rise to make an objection to it?

Mr. CONGER. Is it the desire to go through with those bills?

Mr. RIDDLEBERGER. I object. I did not hear the statement when the Chair put it. I object to taking up any series of bills now that will go through with a series of appropriations. We have had that on pensions, have had that on a number of other things, and now it is proposed to take up the public building bills. I should like to see some other business done than simply giving away money.

The PRESIDENT *pro tempore*. So that there may be no misunderstanding, the Chair will again put the question to the Senate.

Mr. INGALLS. I suggest to the Senator from Virginia [Mr. MAHONE] that he move to take up the bills one by one, to avoid the necessity of asking unanimous consent.

The PRESIDENT *pro tempore*. The Senator can do that. A Senator may move to proceed to the consideration of any bill on the Calendar during the morning hour.

Mr. MAHONE. Then I move that the Senate take up Order of Business 269, being Senate bill 117.

Mr. BLACKBURN. May I ask the Senator from Virginia, as his purpose seems to be to reach by consent action upon a number of bills, to yield for a moment to allow me to ask the consent of the Senate to consider at this time the bill just reported from the Committee on Commerce by the Senator from Michigan [Mr. CONGER], providing for the erection of a bridge across the Ohio River between Cincinnati and Covington, assuring the Senator that there can be no discussion evoked by it? I think if I were permitted to make a statement of a minute I could convince the Senate that it is important and proper that the bill should be passed now.

Mr. MAHONE. Before yielding to the Senator from Kentucky, I desire to say to the Senate that the bills which I wish to take up this morning are for the most part bills making provisions for the completion of buildings which are already in process of construction. I now yield to the Senator from Kentucky.

OHIO RIVER BRIDGE.

Mr. BLACKBURN. Now I ask that House bill 7938 be taken up. The PRESIDENT *pro tempore*. The Senator from Kentucky asks the unanimous consent of the Senate to proceed to the consideration of the bill reported from the Committee on Commerce this morning.

Mr. ALLISON. Let it be read in full for information.

The Chief Clerk read the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. CONGER. I send to the desk a letter of the Secretary of War in reference to this bridge, which I think will satisfy the Senate that there should be no objection to the passage of the bill.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, Washington City, May 13, 1886.

SIR: Your letter of the 11th instant is received. I have no objection to offer to the passage of the bill as it now stands. I understand that the bridge proposed is subject to the restrictions and provisions of the general law in all respects except the two particulars mentioned in the proviso. In reply to your specific inquiry as to "the effect the construction of the bridge contemplated in the bill will have upon the navigable interests of the Ohio River," I would say that I have considered from the first that this question is to be determined by the Secretary of War assisted by the board of engineers provided for in the fourth section of the act of 1883, after the railway company is authorized by law to bridge the river and has presented its plans and conformed to the other requirements provided in that section.

Very respectfully, yours,

WM. C. ENDICOTT, Secretary of War.

Hon. S. J. R. McMILLAN,
Chairman Committee on Commerce, United States Senate.

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

PUBLIC BUILDING AT KANSAS CITY.

Mr. MAHONE. I move that the Senate proceed to the consideration

of the bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.

The PRESIDENT *pro tempore*. The bill will be read at length if there be no objection.

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the bill.

Mr. RIDDLEBERGER. Is the motion to proceed to the consideration of this series of bills—

The PRESIDENT *pro tempore*. The motion is to proceed to their consideration one by one.

Mr. RIDDLEBERGER. I ask if the motion to proceed to consider these public building bills is debatable?

The PRESIDENT *pro tempore*. It is not debatable. The motion is to proceed to the consideration of the particular bill which has been stated.

Mr. RIDDLEBERGER. Is it not a fact that a majority of the Senate can carry that motion, and if that be so, is it not debatable?

The PRESIDENT *pro tempore*. It is not debatable. Under the express terms of the rule a motion to take up a bill during the morning hour is not debatable. The question is on agreeing to the motion of the Senator from Virginia [Mr. MAHONE] that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$150,000 for the purchase of suitable ground and the erection thereon of an additional building as an extension and enlargement of the custom-house at Kansas City, Mo.

Mr. RIDDLEBERGER. I presume that the bill is debatable, whether the motion to take it up is or not.

The PRESIDENT *pro tempore*. The bill is debatable.

Mr. RIDDLEBERGER. There is no Senator here who can close his eyes to the fact that we have about three committees in the Senate whose only business seems to be to spend money, and that those committees all the time get a preference in the Senate. I should like to see some other business done, so far as I am concerned as a humble representative of a very humble constituency.

Mr. SPOONER. The appropriation is necessary.

Mr. RIDDLEBERGER. A necessary appropriation! Yes, to build a house that nobody knows anything about, and that very few in the Senate know where it is to be built!

I know that these bills will pass; I know that almost every Senator on this floor has a constituency interest to represent in passing them; but I know at the same time that when we pass these bills we are taking money from the people who are not now able to pay it, and that the demagoguery is here. Make the most of it here, but do not practice it when you get to your home. If I shall play the demagogue, I shall do it here and not on the hustings.

How many public building bills are to follow this one? How many pension bills have we passed? How many bills granting arrears of pension have we passed without knowing scarcely that we were doing it? And we have pending a general bill for arrears of pension.

Mr. President, I only ask that I shall be permitted to make my protest against what I believe all the people of this country recognize, simply the convening of Congress to make appropriations for one set of people and to tax another.

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

PUBLIC BUILDING AT LAFAYETTE, IND.

Mr. MAHONE. I move that the Senate proceed to the consideration of the bill (S. 531) to provide for the erection of a public building at Lafayette, Ind., being Order of Business No. 281.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for the purchase of a site and the erection at Lafayette, Ind., of a suitable building for the use and accommodation of the post-office and other Government offices in that city, the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of \$100,000.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

And the sum of \$75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and completion of said building.

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.

PUBLIC BUILDING AT DETROIT.

Mr. MAHONE. I move that the Senate now proceed to the consideration of Order of Business 282, being Senate bill 1131.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1131) to amend an act to pro-

vide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The bill was reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, after the word "million," in line 19, to strike out "five" and insert "three;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$1,300,000.

The amendment was agreed to.

The next amendment was, in line 44, after the word "million," to strike out "five" and insert "three;" so as to read:

Provided, however, That if a new site shall be purchased for said building as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building, and the approaches thereto, exceeding the portion of \$1,300,000 remaining after the site of said buildings shall have been paid for; and no plan of said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building:

The amendment was agreed to.

The next amendment was, in line 52, after the word "million," to strike out "five" and insert "three;" so as to read:

And provided further, That nothing herein contained shall be construed in any event to increase the cost of the new site and building, including approaches, when completed, beyond the sum of \$1,300,000, as provided in this section.

The amendment was agreed to.

Mr. ALLISON. I ask the Senator from Virginia in charge of this bill to explain wherein this differs from the existing law on the subject? We had a very considerable discussion, I remember, last year on the question of the propriety of enlarging the present building at Detroit, or purchasing a new site; and as I read the language of this bill, it is substantially the language of the present law, and I should be glad to have the Senator from Virginia or one of the Senators from Michigan explain wherein this differs from the existing law.

Mr. PALMER. I suppose I can explain the matter better than any one else. The increase (which I imagine is what the Senator from Iowa wishes to ask about) is caused in this way: Owing to the change of site made by the commission appointed by the Secretary of the Treasury, and owing to a ruling of the Comptroller of the Treasury, the former bill was shorn of \$200,000, which brought our appropriation of \$900,000 down to about \$700,000. On account of our having removed the site it became very evident after the purchase of the new site that it was very desirable—and in that the Secretary of the Treasury agreed—that we should have the balance of the block, which would call for over \$200,000 more. That makes \$400,000, which, added to the \$900,000 already appropriated, would make \$1,300,000.

The fact is, the appropriation is much less than Detroit is entitled to from her position and from the actual state of business there, and if the Senator would like a lot of statements by the rule of three by which that can be proved I have them in my pocket and I can read them.

Mr. ALLISON. I will take some other occasion to have those statements made. I do not ask for them now.

Mr. PALMER. I have them here and they might be interesting reading.

Mr. RIDDLEBERGER. Allow me to ask the Senator how much the aggregate of these appropriations for public buildings will be?

Mr. PALMER. I do not understand the Senator.

Mr. RIDDLEBERGER. Will the Senator tell me how much the aggregate of these appropriations is or will be?

Mr. PALMER. I do not know. I hope many millions. I think that the United States can not do better with its money than to put up suitable public buildings that shall be educational as well as useful where they are demanded for the public business, and I propose always to vote for reasonable and proportionate appropriations.

Mr. ALLISON. The reason I made the inquiry respecting this building was that last year the limit of its cost, including the site, was, I think, eight or nine hundred thousand dollars.

Mr. PALMER. Nine hundred thousand dollars.

Mr. ALLISON. Now it seems that the new site has already been purchased, as I understand, and in view of the cost of that site it is necessary to increase the limit, and the only object of this bill is to increase the limit from \$900,000 to \$1,300,000.

Mr. PALMER. That is the only object. I will state here that the proceeds of the sale of the old building and the old site will be over \$200,000, so that practically we only get \$1,100,000. We are entitled, as I stated before, to about \$2,200,000 by the rule of proportion, taking thirty-one cities of the United States as appropriated for.

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

PUBLIC BUILDING AT SAINT PAUL.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 554, being Senate bill 1919.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1919) to authorize the purchase of additional ground adjoining the United States court-house and post-

office building at Saint Paul, Minn., the erection of a bonded warehouse, and the repair of the existing United States building at said place, and appropriating money therefor.

Mr. McMILLAN. I move to amend the bill in line 7 by changing the name "Wabash" to "Wabasha," adding the letter "a," so as to read:

Not to exceed 100 feet on Wabasha street.

The amendment was agreed to.

Mr. McMILLAN. I also move to amend, which perhaps the committee will accept, by inserting after the word "lots," in line 6, the words following:

Or in lieu thereof, in his discretion, an equivalent in area of the ground fronting on Fifth street and adjoining said building.

The building is on a corner, and this merely gives the alternative to purchase a site on either side.

Mr. MAHONE. I have no objection.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT DENVER.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 780, being Senate bill 1592.

The motion was agreed to; and the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 6, after the word "building," to strike out "seven hundred and fifty" and insert "five hundred and seventy-five;" so as to make the section read:

That the act entitled "An act for the erection of a public building at Denver, Colo., approved May 8, 1882, be amended by making the limit for said building \$750,000, and that sum is hereby fixed as the limit of cost thereof.

The amendment was agreed to.

Mr. RIDDLEBERGER. I want to ask my colleague, if he will answer, how much money in the aggregate is covered by these bills that are reported from the Committee on Public Buildings and Grounds that we are asked to vote upon to-day. It does seem to me that we ought to know how much money we are voting out of the Treasury when we are asked to simply take up bills for some Senator to move an amendment to, and we pass them blindly through.

But a few minutes ago the Senator from Iowa [Mr. ALLISON] objected to a bill because he said it had been under consideration at the last session, and he finally consented to it because he could understand that the only purpose of the bill was to add \$400,000 more to what he objected to at the last session of the Senate.

Now, sir, I am not willing for one to sit here and note that kind of language going into the RECORD, objecting to a bill and then saying that the only difference is that it appropriates \$400,000 more, without some inquiry. I should like to know, for one, what I am voting out of the Treasury. We do not hear a bill here except so far as it is necessary to put into it an amendment. Why, sir, if I could do it with becoming diffidence—and I will almost presume it now—I might ask how many States are interested in these appropriations that you are making; and I assume that no Senator would go so far as to violate a constitutional obligation by voting for a proposition in which he had an interest.

We have done nothing but vote away money and take it out of the Treasury. Look at your Treasurer's report; the money is not in the Treasury to get out, and you have to put it into the Treasury before you take it out.

I know that Virginia has a court-house provided for in one of these bills, and I believe I know that three-fourths of the States have court-houses or public buildings in this series of bills; but I claim that until there can be some reason assigned for voting away this money we ought not to do it. I have sat here for the last four weeks doing nothing but quietly acquiescing in taking money out of the Treasury that is not in there, but they say it is in there.

Now, sir, if there be one Senator on this floor who will condescend not to answer me but to answer his own people, I venture to ask how much money are we called on to vote here out of the Treasury, and to tell us what States it is going to; tell us, if it be possible, the necessity for a building somewhere, tell us whether it is to be a court-house or a city hall or something to ornament a town, or something that is simply put into a bill to get some gentleman who was opposed to it to silently acquiesce in it.

I should think I was falling far short of my obligation and my duty to the Senate if I were to ask them to appropriate one dollar, ay, even a silver dollar, without giving them a reason and a public reason for appropriating it.

Sir, I mean to carry this question further than the discussion of it which suggests itself to Senators on this floor. I hear of strikes, I hear of bloodshed, in Chicago, in East Saint Louis, in Saint Louis. Do you expect to sit upon this floor and continuously vote away that which you extract from the pockets of the people, and not suppose they will

strike? You are voting away money as if it belonged to you. I have asked gentlemen on this floor to state how they own one farthing of that which is in the United States Treasury. Have you paid in some taxes? Have you paid any taxes that you could estimate and say belonged to you? Yet you sit here and idly vote a million and a half on a public building, and not one Senator in five knows even in what State it is to be located or for what purpose it is to be used.

Now, sir, I do ask again—and that was the purpose of my rising—that some Senator will give us a statement of the amount of money that is to be voted out of the Treasury by these bills, and to how many States it is to go, and whether there is possibly enough of what we call Senatorial courtesy here—I believe I am not charged with practicing a great deal of it—that we can not now and then have the yeas and nays and let it be known who are voting for these indiscriminate appropriations and who are voting against them.

Mr. MORRILL. Mr. President, only a few days since the chairman of the Committee on Public Buildings and Grounds made a very elaborate report in compliance with a resolution introduced by the Senator from Virginia who has just taken his seat, giving the details of every bill that had been reported from that committee and the amount of the appropriation; and if Senators have not read that report I beg leave to refer them to it for very full information on this subject. It is a valuable public document.

The bills that are being pressed for action this morning are, with one or two exceptions, for very small amounts. They seem to be necessary, so far as I know, from the reports of the Treasury Department, and it is necessary that they should be passed very early in order that the buildings may be properly completed.

Mr. RIDDLEBERGER. I venerate the Senator from Vermont, who I know is a member of that committee, but how can he expect any Senator on this floor to know that some one has made a report when that report has not been read in the Senate? We have not been asked to hear the report now referred to. We have been asked to do nothing but sit here and vote money for public buildings and public grounds. If there has been a report emanating from that committee, with all due respect to my colleague and to the gentleman who I believe is the senior Senator of the whole body, I have not heard the report and I do not think any other Senator has heard it. If it were worth the while of these gentlemen to make a report, it is worth our while to hear it read. I do think it ought to be read so that we may know what we are voting for.

Mr. MAHONE. Mr. President, the bills which we are now considering have been before the Senate for a good while. They have been printed; they have been within the reach of every member of the Senate, to know not only where all the buildings are located, but on what particular account the bills are proposed, whether for a new building or for the completion of some building already in course of construction. In addition to that, there accompanies every one of these bills a special report giving the reasons for the appropriation, and those reports have been printed and have been placed upon the desks of Senators. So it has been all the while within the reach of the Senator from Virginia to get the information that he now seeks to obtain.

I will add, Mr. President, that the bills which we have under consideration this morning aggregate about a million and a quarter of dollars, all told.

Mr. RIDDLEBERGER. I desire to make one further observation. If that report has been where I could get it and read it, I am unaware of the fact. I have certainly been here in the Senate every day, and possibly my colleague makes the mistake of supposing that I have been away since Tuesday, but I have not.

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.

PUBLIC BUILDING AT HARRISONBURG, VA.

Mr. MAHONE. I move to proceed to the consideration of Order of Business 781, being Senate bill No. 2058.

The motion was agreed to; and the bill (S. 2058) to complete the public building at Harrisonburg, Va., was considered as in Committee of the Whole.

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

PUBLIC BUILDING AT FORT DODGE, IOWA.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 782, being Senate bill 1611.

The motion was agreed to; and the bill (S. 1611) for the erection of a public building at Fort Dodge, Iowa, was considered as in Committee of the Whole.

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

PUBLIC BUILDING AT JACKSON, MISS.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 783, being Senate bill 1550.

The motion was agreed to; and the bill (S. 1550) to provide for an addition to the United States building at Jackson, Miss., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, before the word "thousand," to strike out "twenty" and insert "six;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable fire-proof addition to the United States building in Jackson, in the State of Mississippi, for the accommodation of the register and the receiver of public lands, and for the safe-keeping of the records of the same, and also for use as offices of the United States revenue officials; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000: *Provided,* That said sum shall be expended under the direction of the Secretary of the Treasury.

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.

PUBLIC BUILDING AT MARQUETTE, MICH.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 784, being Senate bill 1457.

The motion was agreed to; and the bill (S. 1457) to increase the appropriation for the erection of the public building at Marquette, Mich., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 6, before the word "thousand," to strike out "eighty" and insert "twenty-five;" so as to make the section read:

That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Marquette, Mich., be, and the same is hereby, increased to \$125,000, and that sum is hereby fixed as the limit of the cost for the erection of said building.

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.

PUBLIC BUILDING AT TERRE HAUTE.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 785, being Senate bill 430.

The motion was agreed to; and the bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment in section 1, line 6, after the word "building," to strike out "two hundred" and insert "one hundred and seventy-eight;" so as to make the section read:

That the act entitled "An act for the erection of a public building at Terre Haute, Ind.," approved July 7, 1882, be amended by making the limit for said building \$178,000, and that sum is hereby fixed as the limit of cost thereof.

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.

PUBLIC BUILDING AT PARKERSBURG.

Mr. MAHONE. I move that the Senate proceed to the consideration of Senate bill 2191, Order of Business 786.

The motion was agreed to; and the bill (S. 2191) to complete repairs and alterations of the public building at Parkersburg, W. Va., was considered as in Committee of the Whole.

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

Mr. MAHONE. I have no further bills to present this morning.

THE RIVER AND HARBOR APPROPRIATION BILL.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred a resolution for the preparation of a report as to each public work for which an appropriation is made in the river and harbor bill, to report it without amendment, and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Commerce be directed, when the river and harbor appropriation bill shall be reported, to report as to each public work for which an appropriation is made in said bill, the facts which render such appropriation advisable and of national importance, and the condition of the work, if begun.

ADDITIONAL CLERK TO THE COMMITTEE ON COMMERCE.

Mr. McMILLAN. I am also instructed by the Committee on Commerce, to whom was referred a resolution for an additional clerk to the Committee on Commerce, to report it with an amendment. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session.

The amendment of the committee was, to add to the resolution:

At a salary of \$8 per day; and that the Secretary of the Senate be, and he is hereby, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. Under the rule this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. McMILLAN. I ask then that it be so referred.

Mr. FRYE. Might not the amendment be adopted first?

The PRESIDENT *pro tempore*. It can not be considered at all except for reference to that committee. The amendment goes to the committee with the resolution.

COMMITTEE ON COMMERCE.

Mr. McMILLAN. I move that the Committee on Commerce be permitted to sit during the sittings of the Senate for the remainder of the session.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Calendar is now in order. The first case on the Calendar will be reported.

Mr. ALLISON. It seems to me, as we have taken up bills a little out of order to-day, it might be well to go on with that course; and I suggest that we take up the pension cases that have been reported since the last day they were considered.

Mr. CONGER. A special hour may be set aside any day by vote to take up pension bills and pass them, as we have always done heretofore; but let us now go on with the Calendar in the regular order of the morning hour.

Mr. ALLISON. Very well; if the Senator from Michigan has something he desires to reach, I shall not interpose.

Mr. CONGER. Several Senators have bills which are of importance, and it seems almost impossible to ask that separate bills be taken up on the Calendar, and for that reason, for the accommodation of all Senators, I think we should go on regularly and thus reach in time the bills in which they are interested.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be stated.

The bill (S. 1219) for the relief of the heirs of Martin Kenofsky was announced as first in order.

Mr. HOAR. What was done with Order of Business 161, being the bill (S. 1406) fixing the time for the meeting of Congress?

The PRESIDENT *pro tempore*. That matter went over yesterday informally, retaining its place.

Mr. HOAR. That may as well go on the General Calendar, because I shall ask the Senate to consider it when we consider the constitutional amendment on the same subject introduced by the Senator from Kansas [Mr. INGALLS] that will require an express order of the Senate.

The PRESIDENT *pro tempore*. There being no objection, Order of Business 161 will be considered as objected to and go over to the Calendar under the ninth rule.

Mr. HOAR. I did not exactly wish to enter an objection, but I desire it to go on that Calendar by unanimous consent.

The PRESIDENT *pro tempore*. That order will be made.

MARTIN KENOFSKY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1219) for the relief of the heirs of Martin Kenofsky.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported from the Committee on Foreign Relations, which will be stated.

The CHIEF CLERK. In line 6, after the words "sum of," the Committee on Foreign Relations reported an amendment to strike out "\$8,861" and insert "\$4,992.50;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs or legal representatives of Martin Kenofsky the sum of \$4,992.50, in full of all demands for and on account of the claim of the said Kenofsky for the proceeds derived from the sale of \$4,992.20 of gold coin belonging to him and used in the service of the United States.

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.

REPORTS ON ALASKA.

The next business on the Calendar was the resolution reported by Mr. HAWLEY, from the Committee on Printing, February 10, 1886, to print 4,000 extra copies of the report on Alaska by L. M. Turner.

The resolution was considered, and agreed to; as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska, by L. M. Turner, be printed with the necessary illustrations, and that 4,000 additional copies be printed, of which 1,000 copies shall

be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

SEWELL COULSON, AND PORTER, HARRISON & FISHBACK.

The bill (S. 249) for the payment of "Sewell Coulson and Porter, Harrison & Fishback, for legal services, was considered as in Committee of the Whole.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MITCHELL, of Oregon, from the Committee on Claims, February 10, 1886, but before concluding was interrupted by—

Mr. VOORHEES. I think it is hardly necessary to read that long report. I am conversant with all the facts in the case. There is a valid claim for legal services there, and I have no doubt the matter is properly stated in the bill. I was counsel myself in the cases mentioned there on the other side, and I know personally that the services were rendered, and I have no doubt that the amount charged was proper.

The PRESIDENT *pro tempore*. If there be no objection—

Mr. EDMUNDS. I wish to hear the report read. I thought I asked for the reading of the report.

The PRESIDENT *pro tempore*. The exhibits and papers were being read. The substantial part of the report has already been read, but the reading will proceed if the Senator from Vermont wishes.

Mr. EDMUNDS. That is what I asked.

The Secretary resumed the reading of the report, which is as follows:

The facts in this case are clearly and fully stated in a report made to the House by the House Committee on Claims, first session, Forty-seventh Congress (Report 1755), which reads as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 4431) for the payment of Sewell Coulson, and Porter, Harrison & Fishback, for legal services, having had the same under consideration, have carefully examined all the papers and evidence connected therewith, and find the facts substantially as stated in a letter of Mr. Coulson, which is in part as follows:

"About the 1st of October, 1864, Samuel McCormick, of Sullivan County, Indiana, was captain of a company of State militia, organized and mustered in his county, under and in pursuance of the act of the State Legislature approved and signed May 11, 1861. Bedee Johnson, John McConnel, John Rotramel, John G. Kimberlain, Thomas Wells, Peter Wilson, and others, were members of said company. This company was frequently called into active service by the provost-marshal of the district, to aid in enforcing the laws of the United States, and in preventing opposition to the drafts or uprising of the people to resist the drafts.

"In February, 1866, five civil suits were commenced against Captain McCormick and his men, in the Sullivan circuit court, to recover damages for false imprisonment in cases where they had made arrests under and in pursuance to orders from General A. P. Hovey, in command of the district of Indiana, R. W. Thompson, captain and provost-marshal, and Daniel Conover, captain and provost-marshal, both of the seventh Congressional district of Indiana, accompanied by orders from Maj. Gen. James Hughs, in command of the State militia.

"At the same term of the Sullivan circuit court the grand jury returned an indictment against the same men, charging them with grand larceny for seizing two kegs of powder found concealed, and which were undoubtedly procured and intended to be used in opposing the Government of the United States. I was employed as counsel to defend all of these six cases, to wit: Andrew Humphreys vs. Samuel McCormick et al.; Thomas Mayfield vs. Same; James Leach vs. Same; William Holson vs. Same; John Sisson vs. Same; and the State of Indiana vs. Same. On entering their first appearance in the civil cases the defendants filed their affidavits and motions with an offer to make requisite bonds to remove said cases to the circuit court of the United States for the district of Indiana for trial. The motions were severally overruled by Judge Eckles, he holding the act of Congress of 3d of March, 1863, unconstitutional and void, and ruled the defendants to answer, pending which all the cases were continued. At the August term, 1866, judgment was taken by default in the case of Humphreys vs. McCormick et al., and his damages assessed at \$25,000. Issues were formed in all the other cases, and the cases of Mayfield vs. McCormick et al. was tried by the court, which resulted in finding a judgment for plaintiffs for \$500. These two cases defendants appealed to the supreme court; in the other three, on defendant's application, the venue was changed to the Knox circuit court. The indictment in the criminal case was quashed.

"After the appeal of the cases of Humphreys and Mayfield to the supreme court Messrs. Porter, Harrison & Fishback, of Indianapolis, were retained to assist in those cases, and did so. They filed a brief that required great labor, learning, and research to prepare, the cases involving new questions, not then fully adjudicated.

"These cases were decided at the November term, 1866, of the supreme court, by which decision the judgment and ruling of the Sullivan circuit court was reversed, and the cause remanded, with instructions to the court below to pass upon the sufficiency of the bond that might be offered under the law of Congress, &c. (See cases, Mayfield vs. McCormick et al., 27 Indiana, 143, and McCormick et al. vs. Humphreys, 27 Indiana, 144, where a more detailed statement will be found.)

"Immediately after the decision of the above cases in the supreme court, Judge Baker, of the Knox circuit, ordered the three cases pending in his court by change of venue to be removed to the United States circuit court for the district of Indiana for trial, which was done, and the cases were finally disposed of in that court at the November term, 1867, in favor of the defendants.

"The cases of Humphrey and Mayfield were transferred to the United States circuit court at the May term thereof, 1868, and leave was given to plead at the November term following."

The claims for these services were filed with the Secretary of War, and the same were by him referred to the Judge-Advocate-General. Although the facts found by him are substantially as stated above, your committee think it fair to the House to give the facts as found by him, together with his conclusions thereon, which are in these words:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE, May 10, 1875.

Respectfully returned to the Secretary of War.

This is the claim of Sewell Coulson, esq., and of Messrs. Porter, Harrison & Fishback, attorneys, for their fees for professional services rendered in the defense of sundry actions instituted and prosecuted against a militia officer and men of his command, in the State courts and the United States circuit court, within the State of Indiana.

Mr. Coulson's account amounts to \$4,500, less a credit of \$550—that is to say, \$3,950. The account of Porter, &c., is \$3,000, less \$500, or \$2,500. Total, \$6,500.

The credits indicated were amounts paid out of a fund appropriated by the State of Indiana for the indemnification of officers and soldiers of the United States and of the State militia who had been exposed to suits, &c., by reason of their military acts. In regard to this fund Governor Baker certifies in his statement, dated April 1, 1870, and contained among the papers, that "The appropriation was wholly insufficient to pay reasonable attorney's fees for the defense of all such suits as were brought. * * * The services rendered by Captain Coulson and Messrs. Porter, Harrison & Fishback were not by any means compensated by the sums which they respectively received, nor was it so considered."

The present claims are accompanied by an extended statement by Mr. Coulson, setting forth the facts of the inception and history of the proceedings.

The actions, which were all commenced in February, 1866, were six in number—five being civil suits for damages, and one a criminal prosecution for larceny.

The civil suits were severally instituted by Andrew Humphreys (apprehended and brought to trial by military commission with Milligan and others, for treasonable conspiracy, &c.), who claimed \$50,000 for false arrest and imprisonment; by Thomas Mayfield, on account of the seizure from him of arms and ammunition found concealed in his possession with a supposed treasonable purpose; by John Sisson, for an alleged assault and battery and false imprisonment, growing out of the case of Mayfield; by James Leach, for false arrest and imprisonment as a member of the "Sons of Liberty" (a secret traitorous association in aid of the Southern rebellion), charged with resisting the draft; and by William Holdson, whose alleged ground of action was identical with that of Leach. The criminal indictment was in the name of the State of Indiana, and for the larceny of the property of Mayfield, above mentioned. The defendants in each case were Samuel McCormick, a captain of State militia (or of the "Indiana Legion," as it is styled), and certain members of his company, from five to thirteen in number. The order for the arrest of Humphreys was given by Brig. Gen. A. P. Hovey, United States Volunteers, commanding district of Indiana, and was addressed to Capt. John W. Day, First Heavy Artillery, Indiana Volunteers, who was directed to make the arrest "with the force turned over to him for that purpose, by Maj. Gen. Jas. Hughes," commanding Indiana Legion; Captain McCormick being thereupon ordered by General Hughes to report with certain of his company to Captain Day.

For the arrest of Mayfield and the seizure of his property by McCormick the order was given by the United States provost-marshal of the seventh district of Indiana.

For the apprehension of Sisson no order of arrest was ever made. It is represented in the statement of Mr. Coulson that he was never arrested at all, nor in any manner assaulted, &c., as claimed by him in his action.

For the arrest of Leach and Holdson by McCormick the order was given by Capt. W. W. Jones, Twenty-second Regiment Veteran Reserve Corps, placed by General Hovey in command of the United States troops in the county of Sullivan, a detachment having been stationed there for the protection of loyal citizens.

Under what specific authority or circumstances the State militia had come to be under the orders of the district commander and provost-marshal at the period of these arrests, &c., is not set forth in Mr. Coulson's statement.

The five actions were commenced in State courts, and subsequently removed to the circuit court of the United States, where they were finally disposed of without trial. In the suits by Humphreys and Mayfield, an application having been made and enforced by argument for the removal of the cases to the United States jurisdiction, the same was refused by Judge Eckles, who held the State court, whereupon both suits went to trial, and a verdict or judgment (in the former action of \$25,000 and in the latter of \$500) was rendered against the defendant. These cases were then appealed to the supreme court of the State, where, after an elaborate argument, the adverse ruling of the court below was reversed and the removal of the suits ordered. The other actions which had meanwhile awaited this result were also then removed. Complaints and answers were thereupon filed in the two first-named suits in the United States court, and after some continuance the same were, as above mentioned, finally dismissed for want of prosecution in November term, 1870. The suits brought by Sisson, Leach, and Holdson were dismissed in May term, 1868, for want of a declaration. The criminal indictment was quashed in or about August, 1866.

Mr. Coulson is understood to have acted as attorney from the beginning to the end of the proceedings. The services of Messrs. Porter, Harrison & Fishback were rendered in the supreme court upon the appeal, and afterward in the United States circuit court.

The proceedings in the action by Mayfield were substantially identical with those in the action by Humphreys, and those in the actions by Leach & Holdson substantially identical with those in the action brought by Sisson.

The performance of the services and reasonableness of the charges are certified to by Judge Eckles of the State circuit court, by Judges Frazer and Ray of the supreme court of the State, before which the appeal in the two principal actions was argued by Governor Baker and by Hon. T. A. Hendricks, John C. New, J. T. Gunn, N. G. Buff, and J. E. McDonald, attorneys and counselors at law of Indiana.

No specific authority from the Secretary of War for the employment, at the expense of the United States, of Mr. Coulson or of Messrs. Porter, Harrison & Fishback, in any of these proceedings, is to be found in the papers exhibited.

If, however, the communication of the Secretary of War, of February 22, 1869, to Hon. H. D. Washburn, M. C., in which the Secretary merely declines to consider the question of compensation till the services are fully performed, and upon the rendition of a final account, is to be viewed as a ratification of such employment, the Secretary would then be authorized to settle these claims, inasmuch as the services were entered upon more than four years before the passage of the act transferring the authority to employ such counsel to the Department of Justice, and were indeed almost entirely concluded before the date of such act. Should the Secretary of War regard himself as fully authorized to entertain the settlement of the charges, it would be the opinion of this bureau that, in view of the difficulty of these cases, the variety of services required in the same during the six years in which they were pending, the successful result of the contest, and of the testimony, above indicated, of the judges and counsel, in favor of the reasonableness of the fees charged, the Secretary would probably be justified in allowing the full amount claimed, although the same certainly appears to this bureau as a full and generous estimate of the value of the services rendered.

If, on the other hand, in view of the fact that no specific engagement of these counsel on the part of the United States, or authority for their employment at its expense, appears among the papers or is even claimed by the parties to have existed; of the fact that the defendants were State militia and not a part of the Army of the United States; of the fact that a provision inadequate though it may have been, was made for the fees of this class of counsel by the Legislature of Indiana, and that their share of it was accepted by claimants, who thus apparently contemplated that their fees were most properly a State charge; and of the further consideration that the payment by the War Department of so considerable an amount as that claimed (at a date when such payments have entirely passed within the sole discretion of the Department of Justice) could hardly have been contemplated by Congress in making the current appropriation for Army contingencies, as well as of the probability that other claims for professional services in these cases may yet be presented by James C. Denny and R. W. Thompson, esq., the Secretary of War should doubt as to his author-

ity for satisfying these charges, or as to the expediency of his settling the same, it would be then suggested whether it would not be well to refer this claim, which in this aspect addresses itself rather to the generosity than to the justice of the Government, to the next Congress, with a view to a specific appropriation for its payment, if the same be deemed proper.

J. HOLT, Judge-Advocate-General.

And there being no funds at the disposal of the Secretary of War out of which said claims could be paid, the same were referred to the then Attorney-General with a recommendation for payment, as shown by the following letter of indorsement:

WAR DEPARTMENT, June 9, 1875.

Approved.

Inasmuch as there are no funds subject to the control of this Department for the payment of such claims, and it being suggested that there are funds subject to the control of the Department of Justice which may properly be applied to such purposes, the papers in this case are respectfully forwarded to the honorable Attorney-General, with recommendation of payment of these claims.

WM. W. BELKNAP,
Secretary of War.

Subsequently, to wit, June 12, 1875, the honorable Attorney-General returned said claims to the Secretary of War, with the following statement:

DEPARTMENT OF JUSTICE, Washington, June 12, 1875.

SIR: I have the honor to acknowledge the receipt of the papers in the case of Sewall Coulson and Messrs. Porter, Harrison & Fishback, relative to their accounts of fees for services in certain cases in said papers named.

I herewith return those papers, and beg to inform you that there is no appropriation over which this Department has control, and out of which these accounts can be paid.

Very respectfully your obedient servant.

EDWARDS PIERREPONT,
Attorney-General.

Hon. W. W. BELKNAP,
Secretary of War.

Afterward, to wit, November 24, 1876, the Secretary of War referred said claims to the Third Auditor of the Treasury, in the following statement:

Respectfully referred to the Third Auditor of the Treasury for settlement. The account being approved at this Department, but no funds being available, it may be a proper case to report to Congress in the estimates.

By order of the Secretary of War.

H. T. CROSBY, Chief Clerk.

NOVEMBER 24, 1876.

And the said Auditor having examined the claims, did, on the 5th day of August, 1881, render his decision therein in these words:

DECISION BY THIRD AUDITOR.

In the matter of the claims of Sewall Coulson, esq., and Messrs. Porter, Harrison & Fishback for attorney fees.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
August 5, 1881.

The general history of these cases is stated in the report made to the Secretary of War by the Judge-Advocate-General, on May 10, 1875, to which I will refer to avoid recapitulation.

The claimants were not employed under any order or other authority emanating from the Secretary of War, nor at any time while the service was being rendered were they recognized by the Secretary as employed in behalf of the United States. The letter addressed by direction of the Secretary to Hon. H. D. Washburn, M. C., by the Inspector-General on the 22d February, 1869, contained no such negotiation, but merely declined to pass upon a case not then pending in the Department, but hypothetically presented in a letter, and the full particulars of which were not known at the Department.

The parties to whom these professional services were rendered were not in the service of the United States, but were officers and soldiers of the State of Indiana. It does not appear by whom these claimants were retained, but it does appear that part payments on account of these services were made and received from a fund provided by the State of Indiana.

If, as appears very probable, the matters in respect to which the services were rendered were of importance to the United States, it may be highly proper for the General Government to assume the burden of compensating these claimants; but only Congress can assume for the United States an equitable duty not based upon a legal obligation.

The claims not being within my jurisdiction I can not entertain them.

The papers will be transmitted, with this decision, to the Second Comptroller.

E. W. KEIGHTLEY, Auditor.

The decision of the said Auditor was confirmed by the Second Comptroller of the Treasury, in these words:

Claim No. 42127.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
March 10, 1882.

Respectfully returned to the Hon. Third Auditor, the papers in the claim of Sewall Coulson et al.

The report of the Auditor is concurred in and approved, and the claim is disallowed.

However meritorious this claim may be, as against the General Government, it seems to be clearly one that can now be properly considered only by Congress.

W. W. UPTON, Comptroller.

"Your committee thought best to give the facts pretty fully in this case, even at the risk of repetition. It will be seen that the payment of these claims was recommended by the Secretary of War, and would probably have been paid by him or the Attorney-General but for the want of funds. The claims were rejected by the Third Auditor upon the ground, as stated by him, that 'the claimants were not employed under any order or other authority emanating from the Secretary of War.' While this may be true, nevertheless the services were rendered, and in the defense of men who were legally ordered to make the arrests and seizures mentioned above. The disturbances in Indiana during the war, and especially at the time of these arrests, are so well known that your committee deem it unnecessary to make any other than a general reference thereto. The arrests, &c., were made in the interest of the Government, and to protect loyal citizens of Indiana. It would have been manifestly unjust to have allowed the defendants in these several suits to have been compelled to pay counsel fees, as their cause was a common one, in which the Government was vitally interested, and your committee assume that counsel was necessary to the proper defense of these men.

"The disposition of all these cases was in favor of the defendants. The value of the services rendered is certified to by the then governor, Conrad Baker, Judge Eckles, who held the State court, by Hon. Joseph E. McDonald, Hon. T. A. Hendricks, by Judges Frazer and Ray, then members of the supreme court of Indiana, and others.

"Your committee believe that in view of the circumstances of this case, it is a proper claim to be paid by the Government, and they therefore recommend the passage of the bill."

Your committee adopt the foregoing statement of facts and conclusions, with this further statement:

That while there is a lack of evidence showing an original employment by the Secretary of War, the evidence is conclusive that on a presentation of the claims to him, with full explanations of all the circumstances, they were by him accepted, recognized, and approved as just and legal claims against the United States, based upon and due and owing on account of valuable professional services rendered in the interest and for the benefit of the General Government at a critical period in its history.

Mr. EDMUNDS. The reading need proceed no further now. Having myself been able to read through the report, which I could not do with any very great advantage after the bill had passed, I withdraw my request to have it further read.

The point seems to be whether these gentlemen were acting under a retainer of the United States when they performed this service, or whether they were acting for the State. The committee find from the correspondence that they were justified in supposing that they were acting under a retainer from the United States or a recognition by the Secretary of War, which, I think, is not an unfair conclusion of the committee, and that point being established, all the Departments agree that they ought to be paid.

Mr. MITCHELL, of Oregon. I had the honor of reporting this bill, and the Senator from Vermont is entirely right. That is the real state of the case.

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

ASSISTANT SECRETARY OF THE NAVY.

Mr. CAMERON. During my absence some days ago Senate bill 1302, Order of Business 123, was passed over. I should like now to call it up and ask for its passage. It is a bill authorizing the appointment of an assistant secretary of the Navy. The Senator from Illinois [Mr. LOGAN] desires to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The regular business before the Senate is the Calendar under the eighth rule.

Mr. CAMERON. I ask that that be laid aside for a moment and that the Senate take up Senate bill 1302. It was on the Calendar and put aside some days since during my absence.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves, pending the Calendar, that the Senate proceed to the consideration of the bill (S. 1302) authorizing the appointment of an assistant secretary of the Navy, and fixing the salary of the same.

Mr. EDMUNDS. I suggest to my friend from Pennsylvania that the Senator from Kansas [Mr. INGALLS] and two or three other Senators, as I remember, who opposed the bill before are not now in their seats, and it would not be quite fair perhaps to take it up in their absence.

Mr. CAMERON. I did not think at the moment of their absence.

Mr. EDMUNDS. I know that.

Mr. CAMERON. But the Senator from Kansas made a very elaborate speech on the subject, and I suppose he said all he can say.

Mr. EDMUNDS. I presume he would like to be here to vote.

Mr. VAN WYCK. The Senator from Kansas remarked after his speech, when it was proposed to vote, that he had only entered on the vestibule of the argument.

Mr. CONGER. I call for the regular order.

Mr. CAMERON. If objection is made I shall not press my request.

A. H. VON LUETTWITZ.

The bill (S. 794) for the relief of A. H. Von Luettwitz was announced as regularly in order.

The bill was read.

Mr. EDMUNDS. Let us hear the report.

Mr. LOGAN. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

GEORGE S. FISHER.

The bill (S. 147) to reimburse George S. Fisher for losses sustained by fire in Japan, November 26, 1866, was announced as next in order.

Mr. MAXEY. There is an adverse report in that case.

The PRESIDENT *pro tempore*. Objection being made the bill goes over under the rule.

Mr. ALLISON. I move its indefinite postponement, so as to get rid of it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill be indefinitely postponed.

The motion was agreed to.

WESTERN MIAMI INDIANS.

The bill (S. 1433) for the relief of the Western Miami Indians of Kansas was considered as in Committee of the Whole. It directs the Secretary of the Interior to cause to be paid to the Western Miami Indians of Kansas, in the Indian Territory, out of the land fund to their credit in the Treasury, in cash, per capita, or to be expended in such other manner as he may consider best for their interest and welfare, \$9,495, in order to relieve their pressing wants and necessities, occasioned by the destruction of their crops, and loss of cattle, hogs, and horses by disease, during the summer and fall of the year 1885.

Mr. EDMUNDS. Does that bill meet the approval of my friend from Massachusetts?

Mr. DAWES. Yes, sir; I reported it.

Mr. EDMUNDS. All right.

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

RAILROADS IN INDIAN TERRITORY.

The bill (S. 1485) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was announced as next in order.

Mr. JONES, of Arkansas. A bill has passed the House substantially the same as this, though there are some immaterial variations, and I should like to substitute the House bill for this bill.

The PRESIDENT *pro tempore*. The Senator can move to proceed to the consideration of the House bill. If there be no objection the House bill will be considered instead of the Senate bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. DAWES. There are some slight differences between the two bills that the Senator from Arkansas will explain if any Senator desires an explanation.

Mr. JONES, of Arkansas. They are immaterial. The two bills were compared carefully by the Senator from Massachusetts [Mr. DAWES] and other members of the Committee on Indian Affairs, and the House bill was considered substantially the same as the Senate bill. There are a few verbal changes, but they are immaterial in their nature.

Mr. DAWES. I wish to offer an amendment to section 9. The Senator from Vermont [Mr. EDMUNDS] has called my attention to an omission there which should be supplied. In the fifth line, after the word "all," the word "fences" should be inserted and a comma, and the word "road" should be changed to "roads;" so as to read: "That said railroad company shall construct and maintain continually all fences, roads, and highway crossings," &c.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 1485) to authorize the Kansas City, Fort Scott and Gulf Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes, will be indefinitely postponed.

The bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was announced as next in order.

Mr. EDMUNDS. That bill wants the same amendment, I believe.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will notice that but five minutes remain of the morning hour, and the bill can not be read in that time.

Mr. MAXEY. I desire to have the bill read and to take it up in the morning the first thing on the Calendar, unless we can have it acted on now.

The PRESIDENT *pro tempore*. At 2 o'clock the consideration of the Calendar is arrested. The bill will be read till 2 o'clock.

Mr. DAWES. There are two bills, one reported from the Senate committee and one reported in the other branch. There are no material differences affecting the provisions of the bill, but there are verbal ones. It is desirable that the Senate should pass, if at all, the bill as it has been reported to the other branch. Therefore I ask unanimous consent to substitute the House bill for the Senate bill and to treat that as the Senate bill. That will cover all the verbal changes which are necessary.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Massachusetts asks unanimous consent to substitute the House bill for the Senate bill. Is there objection? The Chair hears none, and the House bill will be treated as an amendment to the Senate bill, striking out all after the enacting clause of the Senate bill and inserting the House bill No. 6388 as a substitute.

The proposed substitute was read, as follows:

That the Denison and Washita Valley Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in the direction of Fort Smith, in the State of Arkansas, to a point of intersection with the projected line of the Saint Louis and San Francisco Railway, in the Indian Territory, from Fort Smith to Paris, in the State of Texas, by the most feasible and practical route thereto, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles

of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Sec. 3. That before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisal of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., or at the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of \$4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State in which the same shall be heard, provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railroad company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

Sec. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Sec. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of \$50 in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of \$500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of \$15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Sec. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void;

and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

Sec. 7. That the officers, servants, and employees of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian Intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said Intercourse laws.

Sec. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Denison and Washita Valley Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Sec. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Sec. 10. That the said Denison and Washita Valley Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Sec. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Sec. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Mr. DAWES. In section 9, line 5, of the substitute, I desire to make the same amendment as was proposed to the previous bill. After the word "all" I move to insert the word "fences."

Mr. MAXEY. I accept that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In section 9 of the substitute, line 5, after the word "all," insert "fences;" so as to read:

That said railroad company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway, &c.

The amendment to the amendment was agreed to.

Mr. DAWES. I should now like to hear the last section of the substitute read.

The PRESIDING OFFICER. The Chief Clerk will read the last section.

The Chief Clerk read section 12.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being Senate bill 1886.

Mr. MAXEY. I ask unanimous consent that the consideration of the pending bill may be concluded.

The PRESIDING OFFICER. The Senator from Texas asks that the unfinished business be laid aside informally for the purpose of continuing the consideration of the pending bill. Is there objection?

Mr. BLAIR. I understand that it is not a bill which will involve discussion.

Mr. MAXEY. There will be no debate whatever; it is precisely like the other bill just now passed.

The PRESIDING OFFICER. The Chair hears no objection. The question is on agreeing to the amendment of the Senator from Massachusetts as amended.

The amendment as amended 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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes;

A bill (H. R. 3173) for the relief of Samuel H. Fleming;

A bill (H. R. 5890) for the relief of Grafton Monroe;

A bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouri tribes of Indians, in the States of Nebraska and Kansas; and

A bill (H. R. 8188) to admit free of duty a certain lectern for the use of the Saint Luke's Episcopal church, in the parish of Kalamazoo, Michigan.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK], and on that the Senator from Missouri [Mr. VEST] has the floor.

Mr. VEST. Mr. President, I shall not be deterred from performing what I conceive to be my duty in regard to the pending measure, or from expressing the reasons which will influence the vote I cast, because of the fact that I was upon the losing side during the last war. That struggle ended twenty years ago, and the animosities and prejudices which naturally grew out of it should cease to be invoked, especially as to matters of legislation.

As for myself, without any sort of bitterness or any retrospect that has the slightest acrimony connected with it, I am conscious that I have kept my oath of loyalty to the Government of the United States in letter and in spirit, and I propose hereafter to make no other promises or professions. I shall answer any allegation or intimation that I am not the equal of any Senator here in patriotic devotion to this country and in loyal aspiration for its welfare and honor as Lord Marmion answered the Douglas:

And if thou said'st I am not peer
To any lord in Scotland here,
Lowland or highland, far or near,
Lord Angus, thou hast lied!

The soldier who risked life and limb for his country is entitled to know that his country will repair all damages he has received in the line of duty. If disabled and not able to perform manual labor he should receive a liberal pension so as to be placed beyond penury and want. If his life be sacrificed, his last hours should be cheered with the certainty that the loved ones depending upon him shall be the recipients of the country's bounty in whose service he died. This is the contract between the country and the soldier who enters into its service, and the nation that would not keep this contract as a sacred obligation deserves to be blotted out from the map of Christendom.

How well the people of the United States have kept this compact is evidenced by the fact that by the votes of Senators and Representatives from the South as well as the North the enormous amount of \$744,040,541.06 has been voted for pensions since 1861, and more than \$700,000,000 of this amount has been voted to the Union soldiers of the war between the United States and the confederacy.

Although the South was impoverished and desolated by that war, the people of the South as well as its soldiers have borne without complaint or murmur their portion of the debt necessary to pay the sacred obligation to the soldiers of the Union, their widows and orphans. The Southern soldiers and the widows and orphans of the South have asked and will ask nothing from the victors except the right to weep for their dead and to defend the purity of purpose for which they died.

Steadily and rapidly since 1866 the pension-roll has increased. The report of the Commissioner of Pensions shows that while in 1866 there were 126,722 pensioners receiving \$13,459,996, in 1885 there were 345,125 pensioners receiving \$65,693,706.

Now can it be expected from our experience in the past that this wonderful increase will pause even for a moment? The generosity of a great people toward the men who fought for their flag, and the anxiety of both political parties to secure what is known as "the soldier vote," have caused this generosity and this political anxiety to be utilized by claim-agents and curbstone lawyers in the city of Washington to invent new laws creating new classes of pensioners and to increase the pensions and the arrearages which they claim to be already due.

At each recurring session of Congress we are flooded with petitions to increase pensions, to originate pensions; and I charge here and now that this demand does not come from the citizen soldiery of this country. It comes almost entirely from Washington city and from the class of lawyers who are engaged in working up and making available for their own purposes these classes of claims.

As a proof of the truth of what I say I read from a letter received from a constituent, which I have now in my possession, and which well illustrates the truth of what I have charged:

Hon. G. G. VEST,
Washington, D. C.:

The inclosed circular will explain itself, and I desire to state that I am very much in need of the increase spoken of, and urgently request that you will use due diligence to aid in the passage of this bill. I am an invalid pensioner from the loss of both my eyes.

The inclosed circular reads as follows:

WASHINGTON, D. C., January 6, 1886.

SIR: A bill has been introduced in the United States Senate by Senator WARNER MILLER, and in the House of Representatives by Hon. W. L. SESSIONS, to increase the pensions for the loss of both arms or both legs, or the sight of both eyes, or other injuries resulting in total helplessness, to \$100 per month.

If you desire the passage of this bill I would advise you to at once communicate with your United States Senators and Representatives in Congress, urging them to do all in their power to secure favorable action upon this most meritorious measure.

PENSIONER.

By such means as this, Congress has been induced to pass at each recurring session new laws originating pensions and increasing the amount of pensions already granted under existing legislation. Touching and pathetic letters from those whose condition appeals to the sympathy and mercy of every humane Representative and Senator are poured into these Halls. A systematic effort is carried on from time to time, and so soon as the last dollar is wrung from the claimant under existing law the astute and fertile intellect of these legal cormorants located in this city is immediately put to work to invent a new law, and then we are flooded and overwhelmed with petitions from all portions of the country that we should pass it. Is it to be wondered at to-day that brown-stone fronts and immense fortunes attest the activity and zeal of these persons in Washington city? The soldiers of the country are utilized for the purpose of making private fortunes.

In the State of Missouri there are 109,111 Union soldiers. I undertake to say to-day that those soldiers, belonging to both political parties, have not demanded this legislation. The call for it has emanated in a large degree from the capital of the country; and the military organizations of the country, together with the appeals of private claimants, are being systematically used in order to swell the gains of these persons who are to-day making raids upon the Treasury in the name of the soldiers who risked life and limb for the country's flag.

The bill pending before the Senate has a precedent as to the nature of the relief to be granted, but it has no precedent as to the time within which that relief was given by Congress. Although an attempt was made in Congress in 1858 to give the soldiers of the war of 1812 a service pension, they did not receive pensions until 1871, some forty-seven years after the termination of the service. It was fifty-six years after the service that pensions were granted to the Revolutionary soldiers. The soldiers of the Mexican war, that handful of brave men who carried the flag of this country to the Mexican capital and who gave to the common treasury of the United States the enormous domain that stretches along the Pacific coast and the interior States and Territories adjacent to it, have applied again and again to Congress for a service pension without success.

I must confess some little surprise that the Senator from Illinois [Mr. LOGAN] yesterday defended with such zeal and earnestness the pending bill as it comes from the Committee on Pensions, when in the first session of the Forty-eighth Congress that Senator supported a motion to strike out an amendment to the Mexican pension bill which came from the House, and which amendment, placed upon the bill by the Pension Committee of the Senate, was almost identical with the bill now before this body.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. VEST. With pleasure.

Mr. LOGAN. The Senator well knows, if he will read the RECORD, that I admitted that the measure was meritorious and should pass upon its own merits, and I did not move to strike out the proposition because I was against it, but because I did not wish to have the bill encumbered.

Mr. VEST. I hope the Senator knows that I would not for any purpose in the world misrepresent him or misstate him.

Mr. LOGAN. Of course; I know that.

Mr. VEST. My impression was, and I have looked at the RECORD, that the Mexican pension bill, as it is termed, came from the House with a provision for a service pension pure and simple, and the Pension Committee of this body placed an amendment upon that bill which limited the pensions to soldiers who had served in the Mexican war, and were disabled, and were unable to perform manual labor.

Mr. BLAIR. The exact condition was this: The service-pension bill came from the House, went to the committee of the Senate, and was reported back a service-pension bill, with this provision and some other matters in the way of an amendment. So the Mexican pension bill as it came from the Senate committee was a service-pension bill, and the Senator from Illinois, I recollect, was opposed to amendments to it. I do not recollect that particular debate, but I remember hearing him express himself on the floor of the Senate as opposed to any additions to the Mexican pension bill at that time.

Mr. VEST. In other words, the Senator from Illinois, as my recollection is now and as I think the RECORD will show, was opposed to limiting the pension. He was in favor of a service pension, as I very well remember. The Senator from Kansas [Mr. INGALLS] now before me gave a history of the pension legislation of the country, and particularly alluded to the act of 1818, which gave a similar pension to that provided for in the pending legislation to the Revolutionary veterans. It was known as the pauper clause, and afterward created great excitement throughout the country, and was stricken out by Congress upon subsequent deliberation.

That I do not misrepresent the Senator from Illinois I quote from a speech delivered by him in the first session of the Forty-eighth Congress upon his motion to strike out the disability clause, or the clause which stated that the soldier should not receive a pension unless disabled for manual labor. Said the Senator from Illinois:

I presume that no person in the Senate, not even the Senators who reported the bill, will insist on it that a soldier shall prove that he is a pauper, and that he shall be brought up before a justice of the peace in order to testify that he is a pauper, and is therefore entitled to a pension.

I presume that nobody wants to heap an indignity of that kind upon a man who has served his country.

Is not that substantially the provision that we have in this bill? The Senator shakes his head; but it seems to me to be substantially the same. Eliminating the process by which the proof is to be made to the Department that the soldier is disabled, that he is unable to perform manual labor, where is the difference? It is true that the pending bill does not provide that he shall be taken before a justice of the peace in order to make the proof, but he is certainly compelled to file his claim that he is not able to perform manual labor, and he must prove by additional evidence, if required by the Department, that such is the fact before he can obtain the benefit of the provisions of the pending measure.

The Senator from Connecticut [Mr. PLATT] who is now the ardent supporter of the pending legislation declared in the debate to which I have alluded, in the first session of the Forty-eighth Congress, that he was opposed upon principle to all service pensions of every description.

Mr. LOGAN. This is an additional pension.

Mr. VEST. It is not a service pension pure and simple, but it is a modified service pension, because under the provisions of the pending bill the soldier is pensioned not by reason of disability contracted in the service, but he is pensioned for any subsequent disability not connected with the war, because he has been a soldier of the Union. In that far it is a modified service pension. The Senator from Connecticut declared that the act of 1818, which gave a service pension for disability to the veterans of the Revolutionary war, and the act of 1871, which gave a service pension to the veterans of 1812, were vicious legislation, and that he never would support a bill which went further than present disability at the time he spoke. That there may be no mistake in regard to that statement I read from the RECORD the words of the Senator from Connecticut:

For myself I believe that disability is the only correct basis of a pension. I will not insist twenty or twenty-five years after the war that the soldier shall be compelled to prove that the disability was incurred in the service.

That is to say, he will assume that within that length of time the disability did originate from exposure in the service.

I am willing to admit that after as many years have passed as have now passed since the close of the war every soldier who suffers present disability shall receive a pension. But when you go beyond that, when you propose to pension soldiers for service merely, then you are recognizing the principle that a soldier fights for pay.

The provisions of the pending bill go far beyond the statement made then by the Senator from Connecticut. In the present measure it is provided that the soldier who comes out of the war unhurt by wounds or disease and goes back into the struggle of civil life prepared to contend for its emoluments and honors, if at any time afterward disabled from any cause whatever, from accident, from disease, from any of "the ills that flesh is heir to," becomes a pensioner for life. In other words, it is an accident insurance policy for life to every man who served six months during the war and was honorably discharged from the service.

While it is true to a certain extent, as has been eloquently urged by the Senator from Illinois, that the amount to be voted in pensions is not entirely determinate of the question before this body, yet we are compelled, as practical legislators, whenever a measure of this sort is pending before Congress, if we do our duty to the people who have sent us here, to look to the condition of the country and to the amount that must be taken from the Treasury to meet the demands of the bill.

Under this legislation what mortal man can approximate to the amount that will be taken out of the Treasury of the United States? The Senator from New Hampshire, as I understood him the other day in his first address upon this subject, said that the amount would not exceed \$25,000,000 annually. I understood the Senator yesterday to modify that statement to some \$20,500,000.

Mr. BLAIR. No; the Senator will excuse me—

Mr. VEST. Certainly; if I misunderstood you.

Mr. BLAIR. My statement yesterday was with reference to the soldiers. The dependent parents form another class. I said yesterday that I thought that both classes would be included within \$25,000,000.

Mr. VEST. That is conjecture. It is beyond the ken of any mortal man to say what will be the amount taken from the Treasury under this measure. What human prescience can reach the accidents by flood and field, by casualty, by disease over a continent like ours? Who can undertake to say how many railroad trains may be hurled from the track and how many ex-Union soldiers will be maimed by such an accident? Who can say what disease, what pestilence may sweep over this country, and at each recurring visitation swell the pension-list beyond all proportion?

The Senator from Illinois says if it is right, then the amount should be paid irrespective of the sum required. But it is impossible for us to do our duty without knowing beforehand something in regard to the amount that will be taken from the Treasury by the votes we cast. I remember very well when the arrears-of-pension act was being discussed in the Senate and in the House it was predicted that \$40,000,000 were the outside figures which would be reached by that law; and statistics, those dubious but ever-attendant insignia, I was about to say of a failing argument, certainly of a doubtful one, were paraded here in long

lines to show that the expenditure under that act could never exceed \$40,000,000. The report of the Commissioner of Pensions shows that the amount already expended has reached \$259,873,972.96, and if the limitation is taken off as proposed now by the Senator from Illinois in his amendment to the Mexican pension bill as it has come from the House the Commissioner of Pensions has stated that the amount required to meet that legislation would be \$302,836,200.

Mr. LOGAN. To what legislation does the Senator have reference?

Mr. VEST. I refer to the proposed legislation to take off the limitation on the arrears-of-pension act.

Mr. LOGAN. The Senator spoke of the amendment I proposed to offer to the Mexican pension bill?

Mr. VEST. I understood that it had been offered. Perhaps I am in error.

Mr. LOGAN. He spoke of the amendment I proposed as an amendment to the Mexican pension bill?

Mr. VEST. Yes, sir.

Mr. LOGAN. I only ask the Senator to notice that the Commissioner of Pensions has shown that he is very much mistaken in a great many statements he has made.

Mr. VEST. I quote from the first report which I have before me in regard to the amount necessary to meet this expected legislation or proposed legislation. Subsequently, as I understand now from the report read by the Senator from New Hampshire yesterday, the amount required if the limitation is taken off under the acts of March and September, 1879, will be two hundred and twenty-two million and some hundred thousand dollars, but whether it be \$302,000,000 or \$222,000,000, either statement answers the purposes of the argument I now make.

Mr. COCKRELL. And that is for those who have already applied.

Mr. VEST. As my colleague says, that amount is for those who have already applied. A great many more will file their applications for arrears of pensions within the dubious and coming future. But, as I was saying, either statement, \$302,000,000 or \$222,000,000, illustrates the absolute nebulousity, to use the word, which covers this whole question. We were told that it would be \$40,000,000 for arrears. We have paid out now \$259,000,000, with \$222,000,000 more to pay in the near future. Where are we to stop, if pause there be, in this wholesale legislation on this subject?

Thirty-seven years have elapsed since the close of the Mexican war. No such legislation as this has been given to the soldiers of that war. It is true that in 1818 a law was passed by Congress which gave relief or pensions to the disabled soldiers who followed Washington in the struggle for the young Republic; but the Revolutionary war closed on the 19th of October, 1781, and the long lapse of years between 1781 and 1818 had gone by before Congress saw proper to pass any such act.

Mr. HOAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. HOAR. I think the Revolutionary war closed on the 19th of April, 1783.

Mr. VEST. That is true technically, and yet Yorktown surrendered in 1781.

Mr. HOAR. The troops remained under arms, and General Washington issued to his troops on the 18th of April, 1783, a general order, they then being in camp, declaring that the war would terminate the next day, which was precisely eight years from its beginning, and it may comfort the benevolent soul of the Senator from Missouri to know that he ordered a double ration of rum to be issued to each soldier in commemoration of the event.

Mr. VEST. When it comes to the question of rum, it strikes me that Massachusetts has made a great deal more out of rum than the people of Missouri or the Senator from Missouri. If I am not mistaken, that was the principal staple in the trade of Massachusetts for a great number of years. Trading rum for negroes and selling negroes to the South enriched that people to such an extent that they have ever since been sensitive on the question of negroes and rum both; and they have now undertaken to a large extent to prohibit rum after having exterminated slavery.

It is true that technically the Revolutionary war closed in 1783, but as a matter of fact Yorktown surrendered on the 19th of October, 1781, and it was thirty-seven years afterward before any pension was given to the men who followed Washington and who endured the privations of Valley Forge in their struggle for the flag of our country.

I have spoken of the amount and of the precedents in regard to this question. The general pension laws which are passed by Congress constitute not the only conduit through which the public money is being given out under this cry of relief to the soldiers who preserved the life of the nation. Each recurring session of Congress witnesses an arduous contest between Senators and Representatives as to who shall illustrate his political career with the largest number of private pension bills to be exhibited to an admiring and loving constituency. Our Calendar now is crowded with these private pension bills, and the daily press in localities where Senators and Representatives reside is filled with long columns of pension bills that attest the sincerity and zeal of the persons who represent their constituencies in the respective bodies of Con-

gress. But the other day 240 special pension bills were taken to the President, the largest portion of which passed this body without being read, or if read, so eagerly and impatiently that no knowledge of their contents came to any member of this body outside of the Pension Committee.

Mr. BLAIR. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. BLAIR. This process has been going on for many years, as the Senator says, and I ask him if he knows of a single instance wherein Congress has by special act granted a pension to an individual, officer, soldier, or relative of a soldier, where in his belief that pension was granted unjustly, he being himself familiar with the facts?

Mr. VEST. I do not know that I am familiar with the facts. I shall be perfectly frank in the discussion of this question, and I will say to the Senator from New Hampshire that with very great reluctance I have brought myself to oppose the pending measure. I believe that I but voice the feeling of many of my colleagues situated like myself on this side of the Chamber when I say that we have felt a delicacy, to use that word, in interfering with either public or private pension bills on account of the fact that we were ex-confederates.

Mr. BLAIR. The Senator will permit me to say that I was entirely prepared for the honorable avowal which he makes in reference to his disposition toward this general bill and the special acts of which he speaks. I wish to say for myself, having by compulsion if not from disposition become very familiar with applications for relief under special acts, that I have never known a single one to pass the Senate committee or to pass this body where I do not believe the Senator from Missouri, himself being the judge, would have allowed the case and would have voted for it; and I have never known to be developed in the public prints or in the public councils a single instance where there was reason to believe that Congress had acted either injudiciously or too hastily or had been imposed upon fraudulently—not one.

Mr. VEST. It is impossible for an exact issue to be made between the Senator from New Hampshire and myself as to his allegation. I have not been upon the Pension Committee. I have submitted—that is the word—to this legislation on account of the fact which I have mentioned, the fact that I was upon the losing side in the last war; and I have left this matter to those Senators more fortunate than myself in that struggle, who represented the victorious side in that contest. But when this bill is pending, breaking down what I conceive to be the real and correct principle of the whole pension system, representing as I do a border State which furnished about an equal number of soldiers to each side in that conflict, I felt it my duty, against the delicacy of motive which has hitherto controlled me, to enter my protest against this legislation.

I do not believe that any man is entitled to a pension from his country unless after at least thirty-five years from his service, except under the contract which I have named, that so far as a pecuniary compensation can do so the damages he received while in the service shall be repaired. This bill breaks down or ignores that principle entirely. It is simply the precursor, the *avant-coureur*, to the wider and broader legislation of giving within the near future a service pension to every man who served in the Union Army.

The Senator from New Hampshire says that in each one of the individual cases no injustice was done, but on the contrary simple justice was meted out to the claimants. In the large majority, in fact I may say in all those cases the Pension Department had passed upon the claims and refused them.

Mr. BLAIR. Oh, no; not many.

Mr. VEST. Well, it is passing strange that they came to Congress if their claims could be passed through the ordinary channel of the Pension Bureau.

Mr. BLAIR. I do not wish to interrupt the Senator, but he is misled evidently. The cases which are reviewed by the Pension Committee after having been acted upon by the Commissioner of Pensions are almost universally cases where by reason of defect in the formal proof, documentary or otherwise, the Pension Commissioner does not feel justified in making the allowance under the law. So far from the action of the committee being always a reversal of the opinion of the office in reference to these cases, the parties come frequently to the committee with a letter from the Commissioner in which he recommends, by special act, the granting of the pension, because, though the claim is just and equitable, by reason of the limitations of the law which confine him he can not meet the requirements of the case.

Then there are many other cases where it was evident upon examination that a good cause for pension existed and it is impossible, by reason of lapse of time or the destruction of testimony, to establish the case to the satisfaction of any technical mind; and yet a mind looking upon the evidence from the standpoint of a master in chancery would find a verdict for the applicant. Many cases of that kind come to Congress.

It is not right to close without saying that in many instances the action of the office is directly overruled, and in that regard it may be proper to say that there seems to me to be no impropriety in assuming that the judgment of a member of the House of Representatives or a member of the Senate carefully given, after the examination of the

facts in any particular case, is as likely to be right as that of a \$1,200 clerk.

Mr. VEST. I do not doubt that there are numbers of cases which appeal to the equitable jurisdiction of Congress as against, to use the expression, the common-law judgment of the Commissioner of Pensions; but I do know, limited as my knowledge is on this subject, that there are numbers of pension bills which have failed in preceding Congresses that have passed through this Congress. I know that within my personal knowledge.

Mr. BLAIR. The Senator must know that as time passes on it is possible for the applicant to acquire new testimony and to strengthen his case, not by the development of falsehood but by the recovery of facts which previously had been lost to him. It does not follow that the case is fraudulently sustained simply because as time passes on it becomes stronger, nor does it follow that the original decision rejecting the case was itself right.

Mr. VEST. I am not speaking of cases of fraud; I am speaking in regard to the sufficiency of proof. I know cases where the identical proof has failed in the preceding Congress and has been sufficient for this.

Mr. BLAIR. That might be.

Mr. VEST. I know bills that have received not a single vote in committee which when one of these pension "spasms," to use the word, has struck the committee or the Senate have passed through without question. The two hundred and forty bills that went to the President of the United States in one day embraced or caused an expenditure of \$35,000 annually from the public Treasury. They received absolutely no attention in the Senate, and the only examination they had was from the Pension Committee. We have now, I am afraid to say how many more of these bills pending. The Calendar evidences the fact that about half of it is taken up with individual pension bills, and they will be passed after a report from the Pension Committee. So year after year, by general and special legislation, we are taking from the public Treasury enormous sums of money to enrich the claim agents and curbstone lawyers in the city of Washington without any demand for it on the part of the citizen soldiers of the country.

I have a right to speak for some of these soldiers, because they are my political friends and supported me for my present position in the Senate. They went into the war and bared their breasts to shot and shell honestly for the country's flag, and they deserve all credit and honor for it. They took their chances in the storm of battle. If they survived uninjured by wounds or disease, they bared their bosoms to the civic conflict, the struggle in civil life for emolument and honor upon an equal basis and footing with their fellow-citizens around them. It is the boast and honor of the citizen-soldier of the United States that he does not ask from the country after the contract between him and the country is ended, after he has served as a soldier, and in the providence of God has escaped wounds and disease, that on account of some railroad accident, some attack of typhoid fever, he may be enabled to come to the Treasury and say, "I escaped from the war untouched, my contract with the country was ended, but I now propose to become a pensioner upon the common Treasury of the people."

Mr. President, I am tired for one of being used by the pension-claim agents of Washington city to increase their spoils or by ambitious statesmen to enhance their political fortunes. I am determined to make this issue with my own people, and I declare here to-day that I am not going any further in the direction in which we have been recklessly hurrying. This bill means an indefinite raid upon the public Treasury for an indefinite time. It means that the people's money shall be taken from the Treasury for the purpose of paying for a length of years beyond the prescience of any mortal man an indefinite amount of money, and I shall vote for no such measure.

Mr. TELLER. Mr. President, I do not intend to discuss the details of the bill; I only rise to make a few general remarks on the subject of pensions and to take this occasion to correct some statements which have gone out to the country.

I would say in the outset that the present Commissioner of Pensions has made some reflection upon the late administration of the Pension Office. That is a matter which I understand is now under consideration by a proper committee of this body. I therefore shall say nothing upon that subject. I shall leave it until the proper time.

Every soldier who went into the Army of the United States went in with a contract that if he came out disabled in any manner he should receive a pension of a certain character. That was a contract as binding upon the General Government as the contract to pay its bonded debt or any other obligation of the United States. Further than that the Government did not go; further than that there is no legal obligation upon the Government. Whether we ought to pension the soldier who is unfortunate because of occurrences independent of his Army record is a question addressed, first, I suppose to our economic judgment, whether we are able to do it; and secondly, whether we ought to do it in view of the services rendered with a proper regard for the honor of the nation.

At all times, in all portions of the world, and in all history, the men who have gone out and fought the battles of the country have occupied a high position in the affections of the people. All nations have in

some way attempted to reward them for their devotion to their country. If we were asked to vote money out of the Treasury for such a purpose when there happens to be a very large sum of money there not at present being used, I suppose the simple question to be presented is, are we able to do it? I do not know that anybody has contended, or will contend, that the United States Government is not able to do not simply what it has contracted to do, but the generous thing, if it sees fit.

I say we made a contract with the soldier to pay him a pension in a certain contingency. We provided at once the machinery for determining whether he was entitled to it under the contract. It was a contract on our part as to which we reserved the right to determine for ourselves whether the obligation existed. We called together a great number of people of moderate capacity, of but little learning, and we put them at work to adjudicate in our behalf as our employés upon the questions presented by these applicants, not for bounty but for what was rightfully the due the applicants under the contract. We denied to those people the opportunity of going into the market and hiring competent attorneys to represent them before our own tribunal created for the purpose of adjudicating their claims. We shut the doors of the Department against this class of men when they came there to inquire what was their record except that they first came through the source and in the manner that we provided they should come.

Year after year these men came and lodged their complaint before our tribunal, and complained year after year that we did not adjudicate upon their claims, but held them in suspense, until many a soldier who had lodged his complaint, before it became a matter of determination, had passed beyond the benefits that were supposed to be conferred upon him by his contract. Year after year they petitioned Congress for more efficient methods of adjudication. I recollect when I was in the Senate some years ago—and the honorable Senator from Illinois [Mr. LOGAN] referred to it yesterday—this Chamber resounded with the denunciations of claim agents and the fraudulent soldier claims that were presented. I remember that a distinguished Senator, who is not in the Chamber to-day, repeated day after day in the hearing of many members of the Senate that 10 per cent. of all the claims which had been allowed were fraudulent claims; and, as the Senator from Illinois said, for the purpose of determining whether the claims were fraudulent or not—that was the purpose expressed—the Government went to work and first made out a list of every man who received a pension and the amount that he received, and then the lists were published in the country papers all over the United States, and the people were invited to make their complaints as to any persons on the roll they could find who were not entitled to a pension.

I am glad that I do not remember who introduced that resolution, because if I say anything of it that might be considered harsh it will not be personal. That resolution was introduced into this body at the bid and beck of men who wanted to know who were the soldiers of the United States. It can be demonstrated that as much as \$100, for that was developed recently where I had an opportunity to know, was paid for the first publication of that volume that was lodged in the second-hand book stores of this city. Thereupon every claim agent hired clerks and sat them down to write to those soldiers that they were not receiving as much as they were entitled under the law to receive. Then came a flood of applications from those men who believed they were not receiving what the law entitled them to have, and who had been informed, by persons who asserted that they knew, that they were not so receiving it, and that if they would apply to them they would receive an additional sum.

I forgot to say that in the early legislation when we denied to the soldier the opportunity to select his own attorney, or at least to pay him what he saw fit, we fixed a provision in the statute that no attorney should be paid more than \$25, and that he should not be paid until he had secured the allowance of the claim. By the same method exactly that the pension-roll was made up and published that provision of the statute was repealed, and every claim agent was allowed to charge the sum of \$10, and \$10 only. That was done in the interest apparently and professedly of the soldier, but it was in the interest in fact of the claim agents of the country.

I will stop here a moment before I allude to some other things to show how that worked. A man started a claim agency; he sent out his circulars all over the country to every soldier, whether he was on the roll or whether he was off the pension-roll, and solicited either that he should apply for a pension or that he should apply for an increased pension. He drew upon him as much as he could, to the extent of \$10. When he had that done, he stopped. I do not think it is a stretch of imagination when I say that he turned the case, in some instances, over to another man and he to another from three to four and five times. He turned the case over to somebody else because he had gotten all he could. When he could not get any more he ceased his effort. The soldier appealed in vain to have his case moved, and it was not stirred. Then some other fellow sat down and sent a circular and said, "I understand your claim has dragged. Your agent does not press it. Send it to me." Then to the new agent it went with another payment. When he got what he could get out of the claimant, to the extent of the \$10, he sent it to another, and so it went on by collusion *ad infinitum* just as long as the soldier would respond.

The claim agents, I am glad to say, were not all of that character. There were very many reputable men who did their duty before the Department in an honest and straightforward way as an attorney would do it in court.

Subsequently there was a revision of that provision and the old law was restored. The effect was that there was no inducement for a man then to get up a false, fictitious claim to induce a soldier to send in a plea for a pension when he knew he had not any claim, and it relieved the office of a great number of claims, and relieved the soldiers from being robbed by a class of unworthy men.

Now, I wish to come back to what has been so often said about the fraud upon the Treasury of the United States by the granting of pensions. In the first place, I want to reiterate again that we have not paid a dollar except as we contracted to pay, unless in the few cases which have gone through here when there was a lack of evidence of such a character as would enable the Department of the Interior to grant the pension. Those are insignificant in number, and in the great majority of cases, as I can say from an experience on the Committee on Pensions, there could be no doubt but that the soldier was entitled to receive his pension but for lack of some connecting link of proof that he failed to get.

The cry that there was fraud in the pension laws affected the Pension Office. I have no hesitation in saying that but a few years ago there was a feeling in the Pension Office that every application which came in was a fraud, and that every clerk regarded it as his duty to hunt out and, if possible, find some method by which the application could be rejected. I do not know, and nobody will ever be able to determine, how many men have claims pending that ought to be allowed. There are one hundred and fifty thousand invalid pension claims still pending and undetermined—more perhaps than that, but at least that number. A great many persons who are entitled to pensions will never be able to make the proof; others will never make the proof because of their ignorance.

I have had some considerable observation and some experience in these matters, and I have found that it was impossible and it will be impossible with the best administration of the office to prevent errors and mistakes with the materials that are furnished the Pension Office for the adjudication of these claims. I recollect during my previous term in the Senate a case was called to my attention of an old woman whom I had known in the western part of the State of New York who had lost a son in battle. There was no question about his having been killed in defense of his country; no question of that kind was presented to the Department; but when the evidence was presented the Department said to the old lady, "You have not produced proper evidence as to the fact that this man was your son," and she was told, "You must obtain the evidence of some person who was present when the child was born and send that to the Department." The old woman sat down and waited for fifteen long years under the impression that that was the law, under the impression that she must produce that proof or else she could not get a pension. It was only by accident that I discovered that such a demand had been made upon this old woman, and when she was eighty years of age, after having supported herself for seventeen years by her toil and her labor, she finally got a pension. The stupidity of a clerk or of a pension agent had kept her out of it, not the ingratitude of the Government; and the records are full of cases of that kind, and they ever will be while you have human agents to determine such questions. Now and then undoubtedly an agent errs on the other side, and occasionally it is probably true that somebody gets a pension who is not strictly entitled to it under the law.

But I remember in 1880, if that was the time, when there seemed to be so much anxiety, when we allowed to the Secretary of the Interior additional force for the purpose of detecting frauds, and when we filled the country everywhere with the agents of the Government investigating the question whether these men were entitled to be on the roll or not; when we called upon all their neighbors and everybody in connection with them or who knew anything about them to send in their complaints, we did not find the half of 1 per cent.—not one man in two hundred was found to be on the roll without being entitled to be there. Since that time the Department has been furnished with additional agents, and the system of investigation of those claims has been materially improved. There are now in the field at least one hundred and fifty men of a better class and better grade, who are sent out, and the Commissioner sends them anywhere that he pleases whenever there is a complaint. An anonymous letter, charging that a soldier is receiving a pension to which he is not entitled, is received, and even such a letter always has found, and always should find, ready response. The Commissioner sends a person there at once to investigate the case, and if it is found that the man is not entitled to a pension he is dropped off the roll; or if there is doubt about it he is dropped off the roll.

Mr. President, I recollect about a year ago, owing to a change of administration, there was a good deal said about the purging of the roll. I do not contend that anybody connected with the administration was responsible for it; I have no reason to suppose that any person charged with pension affairs was; I want to make a disclaimer of that; but the newspapers contained from time to time statements that at such a place, at Boston for example, there had been so many dropped from the roll, at Chicago so many had been dropped from the roll, and that

the roll was now being purged of all the dishonest and fraudulent claims which had been allowed under previous administrations. I recollect that just about a year ago a man came here from the State of New York who announced that he had come to the conclusion that he had been receiving a pension from the Government long enough. He was receiving a large pension, \$72 a month, and he said that he had received more than he ought to receive, that he was able to take care of himself, and he came here and proposed to surrender his pension. The newspapers were full of the fact that this reform had reached even the pensioners themselves and that they too were about to assist in purging the roll of the fraudulent claims. It turned out a few days afterward that this poor, unfortunate fellow was an escaped lunatic from one of the asylums in New York, and he was soon returned to the asylum, where I am sorry to say he is still confined.

If there are persons improperly on the pension-roll it is practically the fault of the Government, for all the agencies that are necessary have been given to the Department for the purpose of eliminating such frauds. I do not myself believe that there is any considerable number of such cases in existence, while I do believe that, under the technical rules which have been adopted from time to time by the Department, there are thousands of people who have applied who are not receiving pensions to which they are properly entitled, and that there are others who have been deterred from making applications by the strictness of the rules.

Up to 1884 it was the rule that a man who went into the Army, who was accepted by the Government after an examination as to his physical ability, had to prove that he was a sound man when he entered the Army, and thousands of cases were rejected because the applicants could not submit such proof. Congress has since provided another rule, that the presumption should be that the man was sound when he enlisted in the Army.

Here I want to refer to the last report of the Commissioner of Pensions, in which I find that there were 345,125 pensioners on the roll. I find that during the last year 15,233 persons were dropped, or less than 5 per cent. of the whole number on the roll. I believe that a great many people in the United States, when that statement is made, suppose that those whose names were dropped from the roll were dropped because they were improperly there. Of this number of invalid pensioners the names of 3,998 were dropped because they were dead; of widows and dependent relatives 1,694 were dead, and so on; until the total number who were dropped from the roll on account of death, remarriage, or because they were minors coming to the age fixed by legal limitation, or because the pensioners had failed to call for their pensions and for other causes not given, including frauds and all other things, was less than 2,000, or 1,914 to be exact, a mere bagatelle, and only a small percentage of these were dropped, mind you, because they ought never to have been upon the roll.

Mr. President, I did not intend to make any extended remarks upon the question of pensions. I simply rose to say that I have always regarded the obligation of the Government to pay the soldier equal to that to pay any other debt. We talk a great deal about the expense of the pension-list, as if it was something that we ought not to have paid, something that we might have avoided or from which we might have escaped. I suppose we need not have paid the nearly \$3,000,000 that we owed when the war closed. I suppose we might have repudiated it, and we could have repudiated it and stood before the world in a great deal better condition than if we should repudiate our contracts with the men who fought for us at \$13 a month. We have paid to the pensioners in the United States \$744,000,000; we have paid as interest on the debt to the men who loaned the money to carry on the war more than three times that sum, and we are paying their debt besides. We have no right to repudiate either obligation. They are both sacred and should be kept, and to the satisfaction of us all the Government is able to keep its obligation both to the men who loaned it the money and to the men who fought its battles.

We boast sometimes that we have dealt liberally with the soldiers, and we also boast of the total amount we have paid them when we want to congratulate ourselves as a nation that we have done so much. We figure up and say we pay \$65,000,000 a year to pensioners. We do not pay any more than we contracted to pay, and we do not pay any very magnificent sum to the men who took their lives in their hands and maintained the integrity of the nation.

I have here the list showing the amount that we are paying, to which I referred yesterday when the Senator from Illinois was speaking, and I will refer to it again.

We are paying 1,260 persons \$1 a month. We are paying, as I said yesterday, \$2 a month to 26,134—\$2 a month or \$24 a year. We are paying to 60,268 persons \$4 a month or a little less than \$50 a year. We are paying to 34,639 pensioners \$6 a month. When you reach \$12 a month you have got 15,480 receiving that amount. Then we rise to some of the higher numbers, and we have pensioners at \$40, \$47, \$48, \$50, \$72, one at \$75, and one at \$100.

Mr. President, the one at \$100 is the present Commissioner of Pensions, and I do not mention it to say anything to his discredit. I say here and now, whatever criticism may have been made on his receiving the pension, that, in my judgment, he does not receive a dollar more

than he is entitled to receive from this Government. I do not believe any man who is in his condition in consequence of his service to the country ought to be asked to take less money as long as there is a dollar in the Treasury. I think, on the contrary, that many of these men who are receiving the pittance of a dollar a month, of \$2 a month, of \$3 a month, and \$5 a month, ought to be receiving double the latter sum as compensation for what they are suffering and under the contract, and I want to say here that I am satisfied the Department has never been overliberal in rating these people high. Why? Because there has been such a thundering at the door of the office against large pensions, and such a cry as if it was an extravagance, that he has to be a very courageous officer who goes beyond the very strictest letter of the law.

Mr. President, I believe the proposition to put the Mexican war soldiers upon the pension-roll, without reference to their disability, without reference to their poverty, has met with the universal approval of the gentlemen on the other side of the Chamber. I recognize the great service rendered by the Mexican war veterans; I recognize the fact that they carved out of Mexico for us an empire that has added incalculably to the wealth of the country, that has strengthened it and made it great and powerful; but I do not recognize their services as to be compared with those of the men who went out to battle for the integrity of the country, to save its territorial integrity, to save its principles, and to maintain it intact as a nation. They are entitled to immeasurably more than the other men. They are entitled to greater credit because the work was greater, inasmuch as human liberty, human freedom, is greater than dollars and cents or territorial area; and if we can vote service pensions to the one we ought to vote them to the other; and if we can vote them to but one we should vote them to the men who have rendered, in my judgment, the greatest service that men have rendered to governments in modern times.

Mr. LOGAN. Mr. President, I said yesterday all that I desired to say in reference to the general features of this bill, but I wish to reply for a moment to a remark made by the Senator from Missouri [Mr. VEST] who is not now in his seat.

I have never heard an argument in this Chamber that I considered substantially good in opposition to granting a pension to a soldier who was disabled from wounds or disease, or from any misfortune that had befallen him where it was owing to no fault on his part; but the argument resorted to to-day is the same one that has been resorted to for years whenever a bill was before the Congress of the United States to grant pensions. The objection was, first, the amount to be taken out of the Treasury; second, that agents about this city were building brown-stone fronts. I have heard that argument a dozen times. As to whether they build brown-stone fronts or any other kind of fronts I have naught to say, for I do not know; but I will say in reply to the Senator that no pension agent can obtain a pension for a soldier under the law unless that soldier is entitled to it, provided the officers of the Government do their duty.

What answer is it to the misfortunes of a man who is entitled under the law to a pension to say that some attorney may ask to be his agent in obtaining his pension? Is that an answer to his disability? Is that an answer to his misfortune? Is that an answer to the equity in his case as to whether he shall be allowed a pension by this Government or shall have it refused? Why, sir, this red rag has been shaken in the Senate Chamber time and again. If men can not be frightened by the amount that is to be expended for these unfortunate soldiers, next we are told it is the pension agents of Washington city who are urging these bills.

Sir, if the Senator were present I would tell him who was the only man who has spoken to me on this subject. Pension agents may have sought the Senator's presence, but they have not been seeking mine. I have had letters from poor unfortunate soldiers, which I frequently receive and always respond to; but aside from letters the only application was from a poor unfortunate man from the State of New York, legless, walking on wooden legs. He came to me and discussed this question of pensions, and he is the only man who has done it outside of this Chamber. If that man without legs, who lost them in battle for his country, is one of the pension agents who are to be benefited, in God's name let him be benefited. I have never heard of him as a pension agent; but if that class of unfortunate men can be benefited by the Congress of the United States doing for them that which in my judgment is honorable and is a duty incumbent on the representatives of the people, I am ready now and at all times to do it. I will repeat what I said yesterday, that I have no respect for a government which allows the poor soldier who has become a wreck, not by his own fault but by misfortune, either by disease or by any accident that may happen to him, to perish, and which says to him, "True, you helped save our country when it was in its direst trouble, and now that misfortune has overtaken you, though the Treasury is plethoric, we must economize; it is true you are unfortunate, but there is a pension agent up here in town who might make money, and therefore you shall not have the bounty of this great Government."

Mr. President, such arguments as these are unworthy of the Senate of the United States. The only question should be, "Is he entitled to the bounty of his Government?" If he is, give it to him; if he is not, let him go a beggar before the world.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I hope the Senator will withhold that motion for five minutes. There are a few observations I wish to make.

Mr. CAMERON. I prefer to insist on the motion.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I hope the motion will not prevail, for five minutes at least.

The PRESIDING OFFICER. Debate is not in order.

Mr. BLAIR. I only want five minutes.

Mr. CAMERON. Then I withdraw the motion.

Mr. BLAIR. Mr. President, the intimation that this bill is the offspring of the mercenary brain of claim agents is as far from the truth as any intimation possibly could be. So far as I know, it is a bill in which the claim agents never have exhibited the slightest interest whatever. The principle involved in this bill was incorporated in our legislation, as I have already stated, as early as the year 1818, and in a more emphatic form than it is embraced in this bill. It continued to be the law with reference to the soldiers of the Revolutionary war and their widows for fourteen years, when a service pension pure and simple, giving to all those soldiers and their widows a pension at a specified rate regardless of disability and regardless of want or dependence, was enacted into law.

Then again we have by a proposition not adopted in the year 1858, but the adoption of which was delayed unquestionably by the outbreak of the war, rendering it by reason of its great burdens impossible for us to assume it earlier, and the adoption of which was for that reason deferred until 1871, asserted the same principle by legislation and applied it to the soldiers and the widows of the soldiers of the war of 1812. And on more than one occasion, I think three times, the House of Representatives has passed a service-pension bill, pure and simple, in favor of the survivors of the Mexican war. Once the Senate has passed that bill. So the principle involved here and its extension to those who are without any dependence, any need, or any disability, has been in all these instances already indorsed in the history of legislation, and to fail to indorse it at the present time would be to institute an exception in regard to those soldiers who preserved the unity of our institutions and the integrity of our territory.

It is true, sir, that it is at the present time proposed to extend the benefits of the public bounty, if you choose so to call it, to this class of disabled and dependent men a little earlier than was done in the case of the Revolutionary soldiers; but it is to be remembered that the exactions of war in these modern times are even greater than they were then. Arms are more deadly; the exactions of campaign life are greater than they were then. Beyond this, the wealth of the country, its capacity to assist those who are in need of assistance, is altogether out of proportion to what it was in the earlier day. At the time when our fathers assumed the burden of assistance to the indigent soldiers of the Revolution we were in the most adverse industrial circumstances known at any period of our history since the Revolutionary war itself and the few years which immediately followed it before the organization of the Government. And yet notwithstanding those circumstances the nation assumed a far heavier pecuniary burden then than it is proposed that we take upon our shoulders now, when we have a pléthoric Treasury and billions upon billions of property untaxed and paying as yet nothing whatever into the national coffers.

Why, sir, the funds which we have in our Treasury, as we all know, are levied upon personal habits which it would be better to dispense with, upon commodities which it would be better for the country were they entirely destroyed save for a few legitimate purposes, and upon the luxuries of life as they are introduced from foreign lands. Substantially two-thirds of the income of this Government is levied upon our customs; and that tariff makes its collections almost universally, as every Senator knows and as the whole country knows, upon articles not necessities of life, so that that taxation comes out of wealth and is but a redistribution to the masses at large of money which it would be better had it never accumulated in the form of the large possessions and the large fortunes of our wealthier people.

It is thus, Mr. President, an absolute blessing to take the money which we have obtained by the customs service of the country and distribute it among the people at large, and the same observation might be made with reference to the income from the internal-revenue system.

Allusion has been made to the alleged fact that the increases of pension, of which there have been some instances in the present Congress, add to the fees of the claim agent; but that is not the case. The arrears-of-pension bill adds very slightly to the fees of the agents. It was not designed to do so at all, because the arrears are never paid save where there has been already a favorable adjudication and the fees of the agent are payable for that adjudication whether there are any arrears paid when the case is established or not, and most of those arrears were paid by a direct order from the Government itself without the interposition of any fee whatever to any agent at all. So the point made by the Senator that that legislation or any legislation increasing existing pensions is in the interest of claim agents is entirely aside of the mark.

Now, Mr. President, a word as to the origin of this particular bill further than the precedents to which I have alluded. I hold in my hand the printed minutes of a hearing before the Committee on Pensions accorded to George S. Merrill, Louis Wagner, James Tanner, John C. Linehan, and John S. Kountz, who were the committee of the Grand Army of the Republic charged with the recommendation of what the Grand Army deems to be necessary pension legislation, and among the various items of legislation which they indorse and recommend is precisely that which is contained in this bill. It is a bill indorsed, so far as I know, universally by the soldier element of the country, and not by them only, but by the great mass of our liberal-minded citizens who have given attention to the wants and necessities of the soldiery throughout the land. I wish to read a remark made by General Merrill before the committee:

Of the nearly three hundred thousand cases pending in the Pension Office the great bulk are delayed because of the lack of evidence, and the evidence can not be produced because the witnesses are dead. They can not produce them. And unless some general provision of this kind is passed giving these men pensions that are to-day disabled, it is impossible for them to get pensions, and they must go to the almshouses. It is a public scandal for that to occur. Just in that line we said to your committee, two years ago, that we were opposed to the eight-dollars-a-month pension bill.

He is alluding now to the service-pension bill which so many favor, applicable to the soldiers of the late war.

We have been endeavoring to sustain that position—

That is, of opposition to that bill—

We have been endeavoring to sustain that position, but to-day the eight-dollars-a-month bill is becoming a more formidable question than ever before. Perhaps we see it more closely, for we have been making the fight against it in the Grand Army. I see by a telegraphic dispatch to-day from New York that the assembly of that State has passed a resolution in favor of a universal pension bill. Now, you may pass such a bill, but it does not remedy any of the other defects or deficiencies of the pension legislation. Indeed, it gives a well man a pension to the actual disadvantage of the disabled soldier, and the well man ought to stand back and let the cripples get a pension first. This idea is gathering force, because Congress in the last two years has not succeeded in passing bills which have passed the Senate or the House. Between the House and Senate this legislation has failed, and it is this failure that is giving the impetus to the eight-dollar-a-month bill to-day. I know that the pension committee of the Grand Army can not stand up much longer in the Grand Army of the Republic and contest the passage of the eight-dollar-a-month bill unless something is done speedily.

And their recommendation is that this bill be enacted into law which will simply provide for all those who are disabled to earn their living and must be assisted from some source. Now, this particular bill is a bill which I had myself the honor to originate and to write, without suggestion from any mortal being, and introduce into the Senate of the Forty-eighth Congress, first session; and it is Senate bill No. 1342 of that session. That bill went to the committee. Presently a bill came from the House, and was referred to the Senate Committee on Pensions, was taken charge of by the Senator from Illinois [Mr. CULLOM], and in committee the provisions of this bill were incorporated. It was reported to the Senate and moved as an amendment to the Mexican pension bill of the House. So, then, I am able to state that this measure originates, not in the brain of any claim agent whatever; it originates with the soldiers of the country and in the necessities of the case. It is the natural outgrowth of the sentiment of public justice which the whole nation, I believe, will be glad to recognize in the enactment of this bill into law.

I give way now to the Senator from Pennsylvania.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Before that is done I desire to offer an amendment to the bill before the Senate, and I ask that it be read at the desk.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. Any pension that is payable under this act, and is not provided for under an existing law, shall be payable only out of the money derived, or that shall hereafter be derived, under the internal-revenue laws of the United States. And the Secretary of the Treasury shall report to Congress by the 10th of December, 1886, what rate per cent. of taxation upon the capital stock of corporations will be sufficient to pay the expense incurred and to be incurred under this act, not to include in such estimate any corporation whose capital stock is less than \$50,000, nor any corporation created to promote religion, good morals, charity, education, or health.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. Before submitting the question to the Senate on the motion of the Senator from Pennsylvania [Mr. CAMERON] the Chair will lay before the Senate bills from the House of Representatives for reference.

The bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money in the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 8188) to admit free of duty a certain lecture for the use of the Saint Luke's Episcopal church in the parish of Kalamazoo, Mich., was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 3173) for the relief of Samuel H. Fleming; and
A bill (H. R. 5890) for the relief of Grafton Monroe.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. CAMERON].

Mr. ALLISON. I hope the Senator from Pennsylvania will not press his motion now.

Mr. CAMERON. I insist on my motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. SAULSBURY's name was called). The Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. FAIR (after having voted in the affirmative). I withdraw my vote. I am paired with my colleague [Mr. JONES, of Nevada], who is not in his seat.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote if present, and therefore I withhold my vote.

The result was announced—yeas 32, nays 17; as follows:

YEAS—32.

Berry,	Dolph,	Harrison,	Pugh,
Brown,	Eustis,	Hawley,	Ransom,
Call,	Evarts,	Ingalls,	Vest,
Camden,	George,	Kenna,	Voorhees,
Cameron,	Gibson,	Maxey,	Walthall,
Cockrell,	Gorman,	Miller,	Whitthorne,
Coke,	Gray,	Mitchell of Oreg.,	Wilson of Iowa,
Colquitt,	Harris,	Morgan,	Wilson of Md.

NAYS—17.

Aldrich,	Edmunds,	Mahone,	Teller,
Allison,	Frye,	Morrill,	Van Wyck.
Blair,	Hoar,	Sawyer,	
Cullom,	Logan,	Sherman,	
Dawes,	McMillan,	Spooner,	

ABSENT—27.

Beck,	Hale,	Manderson,	Riddleberger,
Blackburn,	Hampton,	Mitchell of Pa.,	Sabin,
Bowen,	Hearst,	Palmer,	Saulsbury,
Butler,	Jones of Arkansas,	Payne,	Sewell,
Chace,	Jones of Florida,	Pike,	Stanford,
Conger,	Jones of Nevada,	Platt,	Vance.
Fair,	McPherson,	Plumb,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-nine minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned to Monday, May 17, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of May, 1886.

DISTRICT JUDGE.

Henry F. Seversens, of Michigan, to be United States district judge for the western district of Michigan, *vice* Solomon L. Withey, deceased.

UNITED STATES MARSHALS.

Thomas E. Kelly, of Nevada, to be marshal of the United States for the district of Nevada, *vice* P. S. Corbett, whose commission will expire May 17, 1886.

David C. Fulon, of Wisconsin, to be marshal of the United States for the western district of Wisconsin, *vice* F. W. Oakley, whose commission will expire May 24, 1886.

POSTMASTER.

John C. Pennewill, to be postmaster at Dover, Kent County, Delaware, *vice* Andrew Smithers, whose commission expires May 16, 1886.

ASSISTANT SURGEON IN THE NAVY.

Charles Philip Henry, of Pennsylvania, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, May 6, 1886.

ASSISTANT TREASURER.

James T. Healy, of Illinois, to be assistant treasurer of the United States at Chicago, Illinois.

DIRECTOR OF THE MINT.

James P. Kimball, of Pennsylvania, to be Director of the Mint.

UNITED STATES ATTORNEY.

Robert S. Shields, of Ohio, to be attorney of the United States for the northern district of Ohio.

UNITED STATES CONSUL.

Henry W. Gilbert, of Fort Montgomery, N. Y., to be consul of the United States at Trieste.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

William D. Robinson, of New York, to be supervising inspector of steam-vessels for the ninth district.

SURVEYOR OF CUSTOMS.

Thomas F. Donovan, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

APPRAISER OF MERCHANDISE.

Nathan B. Gatchell, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York.

COLLECTOR OF CUSTOMS.

James Tilton, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey.

ASSISTANT COLLECTOR OF CUSTOMS.

George D. Borton, of New Jersey, to be assistant collector of customs for the port of Camden, in the district of Philadelphia, in the State of Pennsylvania.

REGISTER OF LAND OFFICE.

Chester H. Warner, of Colfax, Wash., to be register of the land office at Walla Walla, Wash.

RECEIVERS OF PUBLIC MONEYS.

William M. Garrard, of Lawrenceville, Ill., to be receiver of public moneys at Cheyenne, Wyo.

John W. Leigh, of California, to be receiver of public moneys at San Francisco, Cal.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer George W. Stivers, to be a chief engineer in the Navy, from the 18th of December, 1885.

Passed Assistant Engineer William W. Heaton, to be a chief engineer in the Navy, from the 26th of January, 1886.

APPOINTMENT IN THE NAVY.

Charles Edward Woodruff, of Pennsylvania, to be an assistant surgeon in the Navy.

POSTMASTERS.

James W. Satcher, to be postmaster at Union Springs, in the county of Bullock and State of Alabama.

George W. McMillen, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois.

Henry W. Cook, to be postmaster at Michigan City, in the county of La Porte and State of Indiana.

Herman Freygang, to be postmaster at Angola, in the county of Steuben and State of Indiana, in place of Francis Macartney.

Squire L. Major, to be postmaster at Shelbyville, in the county of Shelby and State of Indiana.

Juliette M. Jones, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

Edward L. Garcelon, to be postmaster at Winchester, Middlesex County, Massachusetts.

John T. Irion, to be postmaster at Paris, Henry County, Tennessee.

John H. Saxton, to be postmaster at De Witt, Clinton County, Iowa.

Charles O. Thiebold, to be postmaster at Vevay, Switzerland County, Indiana.

Frank Brown, to be postmaster at Baltimore, Baltimore County, Maryland.

REJECTION.

Executive nomination rejected by the Senate May 6, 1886.

POSTMASTER.

John L. Handley, to be postmaster at Fairfield, in the county of Wayne and State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1886.

GOVERNOR OF MONTANA TERRITORY.

Samuel T. Hauser, of Helena, Mont., to be governor of the Territory of Montana.

SUPERINTENDENT OF MINT.

Gabriel Montegut, of Louisiana, to be superintendent of the mint of the United States at New Orleans, in the State of Louisiana.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 14, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

NON-PAYING CUSTOM-HOUSES, ETC.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, with accompanying papers, in response to a resolution of the House calling for information in regard to custom-houses or ports of entry at which the expense to the Government exceeds the revenue collected; and submitting draught of a bill to fix salaries of collectors and officers of customs and to consolidate customs districts; which was referred to the Committee on Ways and Means, and ordered to be printed.

CONTINGENT EXPENSES, TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, asking authority to apply a certain unexpended balance of appropriation "for fuel, &c.," to supply deficiency in appropriations "for contingent expenses, Treasury Department, gas, &c.," for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SORGHUM AND BEET SUGAR.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting certain papers in response to a resolution of the House calling for information concerning the process and methods of making sorghum and beet sugar; which was referred to the Committee on Agriculture, and ordered to be printed.

REFERENCE OF SENATE BILL.

The SPEAKER, under the rule, laid before the House a bill of the Senate of the following title; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed, namely:

A bill (S. 1532) to regulate commerce.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GROSVENOR, indefinitely, on account of ill health and pressing business.

To Mr. HILL, until Wednesday next.

ST. LUKE'S EPISCOPAL CHURCH, KALAMAZOO.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 8188) to admit free of duty a certain lecturn for the use of the St. Luke's Episcopal church, in the parish of Kalamazoo, Mich., and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty, at the custom-house in Boston, Mass., a cross lecturn, for the use of the St. Luke's Episcopal church, of the parish of Kalamazoo, Mich., imported by Rev. R. E. Jones, the rector of said church, and consigned to —.

The Committee on Ways and Means recommend the adoption of the following amendments:

Strike out the word "cross," in the fifth line, and insert "brass;" and fill the blank in the eighth line by inserting "Messrs. Jones, McDuffie, and Stratton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURROWS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL H. FLEMMING.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 3173) for the relief of Samuel H. Fleming and put the same upon its passage.

The bill is as follows:

Be it enacted, &c., That the proper accounting officer of the Treasury be, and he is hereby, directed to pay to Samuel H. Fleming, of North Carolina, the sum of \$206.66, for carrying the United States mails in North Carolina in 1870.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, WICHITA, KANS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent —
Mr. MORRISON. Regular order.

The SPEAKER. The regular order is demanded.

Mr. PETERS. I hope the gentleman will withdraw the call for a moment to enable me to ask consent to pass this bill.

Mr. MORRISON. I will withdraw the call.

Mr. PETERS. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1387) for the completion of a public building at Wichita, Kans., and put the same upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the additional sum of \$50,000 is hereby appropriated for the completion of a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices, at the city of Wichita, State of Kansas, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved March 3, 1885. The limit of cost prescribed in said act is hereby extended as aforesaid, and no plan shall be approved which will involve an expenditure for site and building complete, including approaches, greater than the limit herein fixed.

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

There was no objection.

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

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OTOE AND MISSOURIA INDIANS.

Mr. WEAVER, of Nebraska. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to extend the time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the confederate Otoe and Missouri tribes of Indians, in the States of Nebraska and Kansas, and for other purposes;" *Provided*, That the interest shall be paid at the rate now provided by said act: *And provided further*, That such extension shall be for five years only from the time said payments have or shall become due.

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

There was no objection.

Mr. DORSEY. I ask consent, Mr. Speaker, to submit an amendment, which is recommended by the Committee on Indian Affairs, extending the time also to the Omaha reservation.

The amendment was read, as follows:

That the provisions of this act shall be, and are hereby, extended to the purchasers of lands in the Omaha Indian reservation in the State of Nebraska.

Mr. MORRISON. I shall object to the amendment.

Mr. DORSEY. Then I withdraw it.

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

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRAFTON MONROE.

Mr. COMPTON. I ask unanimous consent to take from the Private Calendar, and have considered at this time, the bill (H. R. 5890) for the relief of Grafton Monroe.

The bill was read, as follows:

Be it enacted, &c., That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, directed, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him, the said Grafton Monroe, in his accounts as such postmaster, with \$4,315.13, the same being for postage-stamps and money-order funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884, said credit being recommended by the then Postmaster-General after a full investigation of all the circumstances attending said burglary.

SEC. 2. That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, directed, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him, the said Grafton Monroe, in his accounts as such postmaster, with \$2,430, the same being for postal funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884: *Provided*, That it shall be proven to the satisfaction of said Auditor that said postal funds were lost as aforesaid without fault or negligence upon the part of said postmaster.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the read time, and passed.

Mr. COMPTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to dis-

charge the Committee of the Whole from the further consideration of the bill H. R. 2156, and that the same be now considered.

Mr. MORRISON. I object, and demand the regular order.

The SPEAKER. The regular order being demanded, the Chair will proceed to call the committees for reports of a private nature.

FREDERICK ROBERTSON.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1860) granting a pension to Frederick Robertson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

- A bill (H. R. 5751) granting a pension to Jacob Holder;
- A bill (H. R. 8065) for the relief of Daniel Killigan;
- A bill (H. R. 6252) granting a pension to Susan V. Young;
- A bill (H. R. 6585) granting a pension to Lottie E. Dietrich; and
- A bill (H. R. 3643) granting a pension to Elizabeth Johnson.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN P. McDONALD.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8151) granting a pension to John P. McDonald; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. D. HAVELY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7616) for the relief of W. D. Havelly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. W. GOODING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8205) granting a pension to J. W. Gooding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. PARKS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7736) to increase the pension of George W. Parks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BETHUREN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1124) granting a pension to William Bethuren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN FARNUM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 787) granting a pension to Reuben Farnum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM REYNOLDS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1304) granting a pension to William Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. KIRKPATRICK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1797) granting a pension to John S. Kirkpatrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN NICHOLAS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1618) granting a pension to John Nicholas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

- A bill (H. R. 701) granting a pension to Mrs. Mary B. Kenney;
- A bill (H. R. 7754) to pension Henriette Burns;
- A bill (H. R. 7752) granting a pension to John Griffith;
- A bill (H. R. 6128) granting a pension to Susan A. Duncan;
- A bill (H. R. 7978) granting a pension to T. J. Locey;
- A bill (H. R. 8154) granting a pension to Resin M. Gard;
- A bill (H. R. 2944) granting a pension to John H. Lash;
- A bill (H. R. 796) granting a pension to Levi H. Naron;
- A bill (H. R. 7251) to pension C. W. Ekengren;
- A bill (H. R. 6777) granting a pension to John Zimmerman;
- A bill (H. R. 6131) granting a pension to John H. Gause;
- A bill (H. R. 6799) granting a pension to Daniel Lester; and
- A bill (H. R. 5611) granting a pension to W. J. Wood.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4480) authorizing and directing the Secretary of the Interior to place the name of Freeland Haston on the pension-roll; and the same was referred to the Committee on Pensions.

JAMES R. BAYLOR.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6825) granting a pension to James R. Baylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS BROWN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6817) granting a pension to Thomas Brown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM CONNER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6819) granting a pension to William Conner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALLY A. STONE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5041) granting a pension to Sally A. Stone; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. CUTLER.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3551) granting a pension to George W. Cutler, late a private of Company B, Ninth New Hampshire Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. GRAY.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 165) for the relief of William H. Gray, of Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOWARD, from the same committee, also reported back the bill (H. R. 879) for the relief of W. H. Gray; which was laid on the table.

MORGAN RAWLS.

Mr. LANHAM, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4451) for the relief of Morgan Rawls; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. TRENTLEN.

Mr. LANHAM, from the Committee on Claims, also reported with a favorable recommendation a bill (H. R. 8759) for the relief of John F. Trentlen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. R. M'GOLDRICK.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 960) for the relief of J. R. McGoldrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOTT S. BAYLESS.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 4973) for the relief of Lott S. Bayless; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. J. WORDEN.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported, as a substitute for H. R. 720, a bill (H. R. 8760) for the relief of L. J. Worden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 720) was laid on the table.

FRANK SHUTT.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 8297) for the relief of Frank Shutt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS SMITH.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 5343) for the relief of Thomas Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. C. WILKEY.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 6046) for the relief of H. C. Wilkey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 7661) for the relief of Jonathan D. Stevenson; and the same was referred to the Committee on Military Affairs.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 1639) for the relief of William Rutherford; and the same was referred to the Committee on War Claims.

MARTIN MURPHY AND P. B. MURPHY.

Mr. MCKENNA, from the Committee on Claims, reported back with an amendment the bill (S. 23) for the relief of Martin Murphy and P. B. Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SELMA AND MERIDIAN RAILROAD COMPANY.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4423) for the relief of the Selma and Meridian Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NICHOLAS WHITE.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with an amendment the bill (H. R. 5133) for the relief of Nicholas White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES E. O'SHEA.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 327) granting a pension to James E. O'Shea; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. P. JACKSON AND OTHERS.

Mr. VAN EATON, from the Committee on the Public Lands, reported, as a substitute for H. R. 3240, a bill (H. R. 8761) for the relief of A. P. Jackson and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3240) was laid on the table.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I move to dispense with the business on the Private Calendar.

Mr. SPRINGER. Mr. Speaker, would a motion that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar take precedence of the motion just made?

The SPEAKER. It would.

Mr. SPRINGER. Then I make that motion.

The SPEAKER. But the result is just the same. If the House refuses to go into Committee of the Whole for the purpose of considering bills on the Private Calendar, under the rule the public business will proceed as on other days.

Mr. HATCH. I desire to state that my purpose in making this motion is to call up the bill which was under consideration when the House adjourned yesterday.

The SPEAKER. The gentleman from Illinois, this being Friday, moves that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to; there being—ayes 91, noes 31.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair) and proceeded to the consideration of business on the Private Calendar.

FRANCIS W. HALDEMAN.

The CHAIRMAN. The Clerk will report the title of the bill which was under consideration last Friday when the Committee of the Whole House on the Private Calendar rose.

The Clerk read as follows:

A bill (H. R. 658) for the relief of Francis W. Haldeman.

Mr. SPRINGER. As this bill was under consideration when the Committee of the Whole rose last Friday, and as there were not many members present at that time, I ask that the bill be again read.

The CHAIRMAN. With the amendment?

Mr. SPRINGER. Yes, sir.

The CHAIRMAN. In the absence of objection the bill will be read for the information of the House.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Francis W. Haldeman, of Avoca, State of Iowa, out of any money in the Treasury not otherwise appropriated, the sum of \$250, as compensation for services performed and money expended for the benefit of the United States during the late civil war.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out the words "and fifty," in line 6, so as to make the bill read, "the sum of \$200," &c.

Mr. SPRINGER. Was that amendment agreed to in Committee of the Whole?

The CHAIRMAN. Upon examination of the record the Chair learns that the amendment was agreed to. The pending question is on the motion that the bill as amended be laid aside to be reported to the House with a recommendation that it do pass.

The motion was agreed to.

PRIVATE LAND CLAIMS.

The next business on the Private Calendar was the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. I ask unanimous consent that this bill and the three bills immediately following it on the Calendar relating to private land claims be passed over without prejudice.

The CHAIRMAN. If there be no objection that order will be made. The Chair hears none.

ERNEST H. WARDWELL.

The next business on the Private Calendar was the bill (H. R. 1062) for the relief of Ernest H. Wardwell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to Ernest H. Wardwell, of Garrett County, Maryland, late a captain and assistant quartermaster of United States volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain and assistant quartermaster in the United States Army from the 11th day of March to the 18th day of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. SPRINGER. I ask that the report in this case be read.

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

The Committee on War Claims, to whom was referred the bill (H. R. 1062) for the relief of Ernest H. Wardwell, report as follows:

That this claim was presented to the Forty-eighth Congress, and a favorable report thereon was made by Mr. Lyman (Massachusetts), March 18, 1884, and this bill passed the House February 6, 1885. It was reported favorably by Mr. HAMPTON (South Carolina), without amendment, from the Committee on Military Affairs.

Inasmuch as the examination by your committee has led them to the same favorable conclusion as that reached by the Committee on Military Affairs in both Houses, and by this House in the Forty-eighth Congress, this committee now adopt the report approved in the last Congress and recommend that the bill (H. R. 1062) do pass.

The report incorporated in this is as follows:

"The Committee on Military Affairs, to whom was referred the bill H. R. 3236, beg leave to submit the following report:

"Ernest H. Wardwell, in May, 1861, enlisted in the Sixth Massachusetts Volunteers, and served for more than three months without pay. On September 7 of the same year he enlisted as a private in the Twenty-sixth Massachusetts Volunteers. November 8, 1862, he was commissioned second lieutenant, Second Louisiana (Union) Volunteers. April 4, 1863, he resigned on account of sickness. February 5, 1864, he was commissioned first lieutenant and quartermaster Second North Carolina (Union) Volunteers. February 23, 1865, he was mustered out to accept a commission which had been promised him as captain and assistant quartermaster, in which grade he was confirmed by the Senate March 11, 1865. His commission, dated April 15, 1865, was forwarded to him May 11, and was accepted May 18. He was honorably mustered out of service July 28, 1865.

"From this record it appears that Captain Wardwell had an honorable though not continuous service of over three years.

"He claims that he should receive pay from March 11, 1865, to May 18, 1865, and also three months' extra pay under the act of March 3, 1865.

"There was a certain delay between March 11, 1865, when Captain Wardwell was confirmed by the Senate, and May 11, when his commission was sent to him. For this period of delay he thinks he ought to receive the pay of his rank, because he resigned his lieutenantcy to accept the commission of captain which had been promised him, and was present and ready to receive his commission at the date of his confirmation. It appears, however, that in addition to the time usually required for the making out and signature of the commission, there was a further delay caused by the assassination of President Lincoln, April 14. By law and regulations an officer does not begin to draw pay until he has received and accepted his commission and has taken the oath. Unfortunate circumstances caused a delay of some weeks to Captain Wardwell in the receipt of his commission, and it seems not unreasonable to allow him pay during this period of waiting, because he resigned his lieutenantcy on the positive information that he had been appointed a captain, and he was present and was ready to assume his new duties.

"The act of March 3, 1865, grants three months' extra pay to officers then in commission, and who should continue in service to the close of the war. Captain Wardwell was mustered out February 23, 1865, and was not confirmed by the Senate as captain till March 11, and only accepted his commission on the 15th of May, so that he was not in service on the 3d of March, 1865, and could not legally draw the three months' extra pay.

"But as Captain Wardwell, after being in the Army nearly three years, resigned for the sole purpose of receiving his new commission, and was present and ready to be mustered in under it, he may not improperly be considered as constructively in the service on the 3d of March, 1865, and therefore entitled to three months' extra pay.

"The committee, therefore, report that the bill should pass."

Mr. SPRINGER. The gentleman from Iowa [Mr. LYMAN] who reported this bill is not present; but the report seems to indicate that the bill should pass. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

WILSON B. GEORGE.

The next business on the Private Calendar was the bill (H. R. 3373) to correct the military record of Wilson B. George.

The bill was read, as follows:

Be it enacted, &c., That Wilson B. George, late a private soldier in Company L, Fourth Regiment Iowa Volunteer Cavalry, be, and he hereby is, relieved from the charges on which he was dishonorably discharged on the 5th day of December, 1864, and that he be taken and considered as an honorably discharged soldier: *Provided, however,* That this act shall not be taken or construed as entitling said Wilson B. George to any further pay or allowances as a soldier: *And provided further,* That said dishonorable discharge shall not in any manner affect any claim for pension said Wilson B. George may have against the Government of the United States, but said claim for pension shall be considered and determined the same as though said George had never been dishonorably discharged.

Mr. FINDLAY. The report in this case is adverse.

Mr. McMILLIN. Let us have the report read.

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

The Committee on Military Affairs, to whom was referred the bill to correct the military record of Wilson B. George, late a private soldier in Company L, Fourth Regiment Iowa Volunteer Cavalry, have had the same under consideration and submit the following report:

The military record of this soldier, as shown by a letter from the Adjutant-General of the Army, herewith appended and made a part of this report, discloses the fact that private George, for conduct prejudicial to good order and military discipline and offering violence to his superior officer, was found guilty and ordered to be shot, a sentence which was mitigated to imprisonment at hard labor during the unexpired term of his enlistment, to be followed by a dishonorable discharge, with loss of all pay and allowances due and to become due.

Whatever may be the ulterior object of the bill, the committee are of the opinion that the correction of a military record, in itself a grave exercise of power, and to be used sparingly and only on considerations of the very highest moment, find nothing in the facts of this case to justify it, and they recommend therefore that the bill do lie upon the table.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.

Washington, December 22, 1885.

SIR: In reply to your request of the 25th ultimo, for the military record of Wilson B. George, as of Company L, Fourth Iowa Cavalry, I have the honor to inform you that the official records show that private George was enrolled November 17, 1861, at Mount Pleasant, and mustered into service November 25, 1861, to serve three years; was tried by a general court-martial December 9, 1863, for conduct prejudicial to good order and military discipline, and offering violence to his superior officer, found guilty of both charges and sentenced to be shot to death. The sentence was mitigated to confinement at hard labor during the unexpired term of his enlistment, and then to be dishonorably discharged the service with loss of all pay and allowances due or to become due.

In accordance with this sentence he was dishonorably discharged, to date December 6, 1864.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM, Adjutant-General.

HON. JOSEPH LYMAN,
House of Representatives.

Mr. FINDLAY. I move that this bill be laid aside to be reported to the House with a recommendation that it lie on the table.

Mr. GEDDES. I have been requested by the gentleman from Iowa [Mr. LYMAN] to ask that this bill be passed for to-day informally. He is necessarily absent, and desires to be heard in advocacy of the passage of the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. GEDDES] asks unanimous consent that this bill be passed over informally. Is there objection?

Mr. FINDLAY and Mr. REAGAN objected.

The question being taken on the motion of Mr. FINDLAY that the bill be laid aside to be reported to the House with a recommendation that it lie on the table, the motion was agreed to.

WILLIAM K. HAMMOND.

The next business on the Private Calendar was the bill (H. R. 1740) for the relief of William K. Hammond.

The bill was read, as follows:

Be it enacted, &c., That William K. Hammond be recognized as a recruiting officer for the Second North Carolina Regiment, and receive the pay and allowances of a second lieutenant of infantry for the period from December 22, 1863, to August 12, 1864; and the sum of \$1,000, or so much thereof as may be necessary, for the payment to the said William K. Hammond, his heirs or assigns, for his services as recruiting officer for the said regiment during the said period, be, and is hereby, appropriated out of any money remaining in the Treasury not otherwise appropriated.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out, in lines 6 and 7, the words "December 22, 1863," and insert "March 12, 1864."

Mr. REID, of North Carolina, and Mr. EDEN called for the reading of the report.

The report (by Mr. REID, of North Carolina), was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1740) for the relief of William K. Hammond, submit the following report:

The purpose of this bill is to give Lieut. William K. Hammond, of the Second North Carolina Volunteers, the pay and allowances of a first lieutenant of infantry from December 22, 1863, to August 12, 1864.

Your committee find that William K. Hammond was recognized as a member of the Second North Carolina Volunteers as early as December 17, 1863, and that March 12, 1864, he was appointed a second lieutenant in the Second North Carolina Volunteers, subject to approval of Major-General Butler.

That from the said 12th of March, 1864, to the 12th day of August, 1864, said Hammond performed the duties of a lieutenant in the said Second North Carolina Volunteers.

August 12, 1864, said Hammond was duly appointed and duly mustered into the service as a second lieutenant in the above-named regiment, and that his said services were valuable and often of the most difficult and dangerous character.

Your committee does not find that said Hammond was acting as lieutenant prior to March 12, 1864, by competent authority, or that he was entitled to any higher grade than that of second lieutenant.

Your committee therefore recommend that said bill be amended by striking out the words "December 22, 1863," in lines 6 and 7, and inserting in place thereof the words "March 12, 1864;" and that said bill, when so amended, do pass.

Mr. REID, of North Carolina. I move the adoption of the amendment reported by the Committee on War Claims, and ask that the bill with that amendment be laid aside to be reported favorably to the House.

Mr. EDEN. What is the effect of the amendment?

Mr. REID, of North Carolina. It shortens by a few months the time for which pay and allowances are to be granted.

The amendment was adopted.

Mr. REID, of North Carolina. I now move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

THOMAS SAMPSON.

The next business on the Private Calendar was the bill (H. R. 4139) for the relief of Thomas Sampson.

The bill was read, as follows:

Whereas by act of Congress approved June 20, 1874, it was enacted that the Secretary of the Treasury prepare medals of honor, to be distinguished as life-saving medals, to be bestowed upon any persons who should thereafter imperil their own lives to save the lives of others from the sea; and

Whereas Thomas Sampson had theretofore, at various times, greatly distinguished himself in rescuing human beings from death in the manner prescribed by said act: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to cause to be prepared a medal of honor, with suitable devices, to be bestowed upon Thomas Sampson, of the city of New York, according to the provisions contained in section 7 of the act entitled "An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the Life-Saving Service."

Sec. 2. That the said Thomas Sampson be, and he hereby is, entitled to receive all the benefits of said section in said act contained, just as though he had rendered the services subsequent to the approval of said act.

Sec. 3. That this act shall take effect immediately.

Mr. JAMES. I ask for the reading of the report.

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

The Committee on Commerce, to whom was referred the bill (H. R. 4139) directing the Secretary of the Treasury to bestow upon Thomas Sampson, of New York city, a life-saving medal of honor, beg leave to report as follows:

A similar bill was before the Forty-seventh Congress, was considered by the Committee on Commerce, and a favorable report was submitted by Mr. Page, a copy of which is hereto annexed and made a part of this report.

The committee consider the case a meritorious one and recommend the passage of the bill.

[House report No. 355, Forty-seventh Congress, first session.]

The Committee on Commerce, to whom was referred the bill (H. R. 3025) directing the Secretary of the Treasury to bestow upon Thomas Sampson, of New York city, a life-saving medal of honor, beg leave to report as follows:

Under the act of June 20, 1874, the Secretary of the Treasury was directed to have prepared medals of honor "which shall be bestowed upon any person who shall hereafter endanger their own lives in saving or endeavoring to save lives from perils of the sea."

It appears that prior to the passage of this act Sampson had rescued a number of persons from drowning; had received medals for his gallantry from the mayor, Humane Society, and Board of Underwriters of New York city, and other organizations, and is highly indorsed by leading citizens in connection with these services, as well as others of a different character rendered by him to the Government.

The fact that the rescues were made prior to the enactment of the above provision of law deprives Sampson of its benefits.

The committee consider the case a meritorious one and recommend the passage of the bill.

Mr. JAMES. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

JOHN P. T. DAVIS.

The next business on the Private Calendar was the bill (H. R. 449) for the relief of John P. T. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to grant to John P. T. Davis, late second lieutenant of Company H, Fifty-second Regiment of Indiana Volunteers, an honorable discharge from the military service as of the date of November 6, 1862.

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

The Committee on War Claims, to whom was referred the bill (H. R. 449) for the relief of John P. Y. Davis, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 16, first session Forty-eighth Congress, which report is hereto annexed and made a part of this report, and is as follows:

[House Report No. 1494, Forty-seventh Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5117) for the relief of John P. Y. Davis, reports as follows:

That the bill under consideration directs the Secretary of War to grant to John P. Y. Davis, late second lieutenant, Company H, Fifty-second Regiment of Indiana Volunteers, an honorable discharge from the military service as of the date of November 6, 1862.

The facts gathered from papers accompanying the bill show that John P. Y. Davis was mustered in as second lieutenant with Company H, Fifty-second Indiana Volunteers, February 1, 1862, to serve three years. He was tried by general court-martial convened at Fort Pillow, Tennessee, pursuant to General Orders No. 2, of date October 29, 1862, from headquarters district of Columbus; charge, absent without leave; found guilty, and sentenced to be dismissed from the service, to date from November 6, 1862. The disability to re-enter the service resulting therefrom was removed by letter from the Adjutant-General United States Army to the governor of Indiana, dated January 15, 1866.

It appears from the proof submitted that on or about the 19th day of September, 1862, the said Lieutenant Davis was prostrated by a severe attack of fever, and became very feeble in body and mind in consequence of said sickness, and while in this weak and debilitated state of mind and body that Major Strickland, then in command of the regiment, persuaded and induced the said Lieutenant Davis that he had better visit his home to regain his health; that he, the said Major Strickland, would see that it was all right, &c.; that under these inducements the said Lieutenant Davis left his post and went North and returned voluntarily to his command as soon as his health was restored, in about three weeks afterward. Shortly after his return to his regiment he was summoned before a military court-martial, and on a charge of absence without leave was tried and dismissed the service. This was the whole offense for which this soldier was tried.

Your committee are of opinion that the relief should be granted, and report back the bill with the recommendation that it do pass.

Your committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 449) for his relief with recommendation that it pass.

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

SIDNEY R. SMITH.

The next business on the Private Calendar was the bill (H. R. 1511) for the relief of Sidney R. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sidney R. Smith, late a sergeant in the Thirty-third Regiment of New Jersey Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from the 10th day of March, 1864, the date at which he was assigned to duty under his commission as such, to the date of his actual discharge from service, deducting therefrom the pay received by him as sergeant during said period.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to amend the record of the said Sidney R. Smith and to muster him as a second lieutenant of infantry, to date March 10, 1864, the date at which he entered upon duty under the commission issued to him by the governor of the State of New Jersey as of that rank.

Mr. KLEINER. Unless objection is made, or some one calls for the reading of the report, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. COWLES. Let the report of the committee be read.

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

The Committee on War Claims, to whom was referred the bill (H. R. 1511) for the relief of Sidney R. Smith, having considered the same and accompanying papers, submit the following report:

Sidney R. Smith enlisted in the military service of the Government in the Thirty-third Regiment New Jersey Volunteers on the 31st day of July, 1863, for three years or during the war.

On the 29th of December, 1863, he was by the governor of New Jersey commissioned as a second lieutenant in said regiment. He received said commission on the 10th of March, 1864, and was immediately ordered by the commanding officer of the regiment to equip himself, which he did promptly, and he was thereupon assigned to duty with Company G of said regiment, there being a vacancy of both first and second lieutenant in the company at the time; that from the time he was assigned to duty as aforesaid until his separation from his command said command was continuously in active service attending the advance of the Army in Northern Georgia, and no opportunity occurred for his muster into service; that he continued on duty with the company until the 8th of May, 1864, when, in an engagement known as Rocky Faced Ridge, Georgia, the commanding officer of the company, Captain Battell, was killed, when Lieutenant Smith assumed command until he was himself severely wounded, losing his left forearm, when he was ordered back to officers' hospital at Nashville, Tenn., where he remained under treatment until he received leave of absence for twenty days.

After he returned home gangrene set in in his wound, and he was unable to return to hospital until September, 1864, his condition in the mean time being

regularly reported by the attending surgeon to the surgeon in charge of hospital at Nashville.

When he returned he remained in hospital until 19th of November, 1864, when he reported to the commanding officer at Chattanooga, Tenn.

The regiment then being with General Sherman on his march to the sea, and the line of communication having been severed, it was impossible for him to rejoin his command, and he was assigned to duty with the Twentieth Army Corps detachment, where he was engaged equipping for service convalescent soldiers. When General Hood advanced upon Nashville, Lieutenant Smith, with the command under his charge, was engaged in the battle of Dalton, Ga.; was subsequently ordered back to Nashville, and actively participated in the several engagements which followed.

After the battle mentioned, his wound broke out afresh, and it never having entirely healed, he was again sent to the officers' hospital at Nashville, where he remained until January 9, 1865, when he was discharged therefrom, and on same date received orders to report to his command at Savannah, Ga.

That upon his arrival at Hilton Head, S. C., February 8, 1865, he found that his command had started northward. He was then ordered to report for duty to the commanding officer at Blair's Landing, S. C., by whom he was ordered to duty as commanding officer of detachment Second Division Twentieth Army Corps. The last of March he was relieved from duty at that point and ordered to report to his command, which he did, taking with him about two hundred men belonging to his regiment.

After rejoining his command, April 5, 1865, he was regularly mustered into service as of the rank to which he had been commissioned as stated, and shortly thereafter he resigned on account of his disabled condition.

In consequence of his assignment to duty as a commissioned officer he was compelled to and did employ a servant, and to pay his own expenses while in hospital.

That is not through any fault or negligence of Lieutenant Smith, but solely on account of wounds received while in the line and performance of duty, which compelled a separation from his command and prevented him from being mustered into service at the time he received his commission.

This claimant under the circumstances mentioned should be paid the compensation he would have been entitled to if he had been mustered into the service in pursuance of the commission received by him. It would be a great hardship and gross injustice to deny it to him.

A case similar to this was presented at one time to President Lincoln. He wrote to the War Department as follows:

"I remember nothing of this case. I desire that it shall be investigated and that Captain Bowry be paid for the services actually rendered, if any. The Government can not afford to accept services and refuse payment for them."

"A. LINCOLN."

The papers were returned to him with the statement that Captain Bowry had not been mustered into the service prior to February 6, 1862, the period for which pay was claimed being anterior thereto. Under date of August, 1862, President Lincoln replied to this "red-tape" suggestion as follows:

"I did not ask for information as to whether this man has been mustered into the service. Have we accepted his actual services? If we have, let him be paid for them, unless there is positive law against it."

"A. LINCOLN."

Congress has provided by a general law for the relief of officers who failed to be mustered into the service, but this case does not come within its provisions. It is, however, so manifestly just that your committee recommend the passage of the accompanying bill.

Mr. KLEINER. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

SAMUEL M. GAINES.

The next business on the Private Calendar was the bill (H. R. 821) for the relief of Samuel M. Gaines.

The bill was read, as follows:

Be it enacted, &c., That the letters patent numbered 85299, dated December 29, 1868, which were granted by the Patent Office of the United States to Samuel M. Gaines, of Glasgow, Ky., for the period of seventeen years from the date of the original grant, "method of teaching the rudiments of chemistry," be, and are hereby, referred to the Commissioner of Patents, to hear and determine the facts as to whether they shall be continued in force for the period of seven years from the 29th day of December, 1885.

Mr. MARTIN. I move the amendment be agreed to, and the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

Mr. SPRINGER. I hope we shall have some explanation of this bill from the gentleman from Alabama [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, there is much about this invention to claim the attention and to commend it to the favor of this House.

The invention is one of those works of inventive genius which always excite feelings of pleasant surprise; it is one of the fruits of that high and daring order of mind which is always seeking to pluck from the realm of the unknowable something deemed unattainable. Upon examination of it we find that the inventor has sought to represent fifteen out of the sixty-four or sixty-five different kinds of elements or simple bodies which have been thus far revealed by means of analysis. These selected elements are those concerned or employed in the formation of by far the greater portion of the familiar objects about us, whether they be mineral, vegetable, or animal; and these elements are represented by cubes of different sizes and different colors. By such means the relative weight of the atoms, the structure of the molecules, and other features necessary to a thorough comprehension of the subject are made visible to the naked eye. When we remember that atoms and molecules, of which bodies are made up, are so small as to be beyond the unaided power of the human eye, and that such elements as hydrogen, oxygen, and nitrogen are invisible in any quantity, great or small, we will readily perceive how remarkable was the inventive talent of him who believed them the subject of materialization.

The spiritualist believes that the souls of the departed may be recalled from the "vasty deep" of eternity and made to take a material, tangible form; and it may be that Mr. Gaines caught the idea from

the dream of those enthusiasts. Certain it is that he has not alone materialized the gases, which we do not see, which we can not feel, and the very existence of which we know only by the absolute need we have for them. But he has done even more; he has shown the relative weight of the atoms; has shown the structure of the molecules, and has represented the leading characteristic of each by the color given to the cube representing it. Now, to illustrate what I have said, it is necessary to describe the invention known as "Gaines's chemical alphabet," and which is used in the inventor's new system of "object teaching." This "chemical alphabet" consists of cubes of wood of different sizes and of different colors, each representing an atom of one of the elements or simple bodies of nature.

As an atom of hydrogen is the lightest particle of matter known to science, the smallest cube of the number represents it. H, the symbol for hydrogen, is placed upon one side of the cube, while the figure 1, representing its atomic weight, is put on each of the other sides. The pale-blue color of this cube is intended to indicate that hydrogen burns with a pale-blue flame. Taking another cube, the symbol O, for oxygen, is put upon one side of it, and the figure 16, representing its atomic weight, is found upon the other faces of the cube. The Roman numeral II put upon the same face with the symbol indicates its quantivalence—one of the distinctive features of the system—and means that one atom of oxygen has the value of two atoms of hydrogen. The color of this cube is red, the most striking characteristic of oxygen, namely, its power to make things burn. We next take nitrogen, represented by the cube marked N, its symbol, and the color given it is sky-blue, because nitrogen constitutes about four-fifths of the bulk of our atmosphere, which when seen in mass has that color.

Let us next proceed to the use of the apparatus. The teacher having written upon the blackboard the symbol representing a molecule of water, namely H_2O , the class is called upon to state the weight of the three items. Add sixteen for the oxygen cube and two for the hydrogen cubes, and you have two-eighths, or one-ninth; showing that eight parts of it are oxygen and one part of hydrogen; eight parts of the great ocean is oxygen gas and one portion of it is hydrogen. This in brief is the invention, and its application in practice—a kindergarten system for teaching the elements of chemistry in so easy and simple a manner that even a child may comprehend—indeed, may see it; it is an object put before his eyes! [Applause.]

Having explained the nature of the invention in a very general manner, as well as its application in practice, I will ask the Clerk to read the report of the Committee on Patents (which I make a part of my remarks), for the purpose of showing the reasons which influenced the Committee on Patents to make a report favorable to the passage of the bill after amendment as therein proposed.

I ask for the reading of the report.

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

The Committee on Patents, to whom was referred the bill (H. R. 821) for the relief of Samuel M. Gaines, have had the same under consideration, and now report the same to the House, with an amendment, and recommend its passage.

This bill provides for an extension of the letters patent which were granted to Samuel M. Gaines, numbered 85299, and dated December 29, 1868, for "method of teaching the rudiments of chemistry," for the period of seven years from the 29th day of December, 1885. The committee have determined to recommend the passage of this bill, because, in their judgment, it has merit; because the patentee has received no just remuneration for his invention; and, lastly, because further time and labor, with the expense incident thereto, will be required to make the said method of general utility to the public. Besides, it is not an article of manufacture to be put on the market, and upon which the user might be taxed in the form of royalty, but its object is to remedy and correct the system introduced by Berzelius, of illustrating chemical compositions and reactions to the eye by means of symbols and equations, which is too abstract for beginners, by means of a chemical alphabet, found by actual experiment to be far more efficient than any other method heretofore used for such purpose.

Amend House bill 821 by adding to said bill the following words at the end of line 13: "And the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named."

Mr. HALSELL. Mr. Chairman, after hearing the interesting discussion of this question by my distinguished friend from Alabama [Mr. MARTIN], I will not go into the merits of the pending case. He has presented it so well I shall not pursue the scientific investigation further than he has done. But I do wish to state that I had the honor of introducing this bill for the relief of Samuel M. Gaines. He lives in my town of Bowling Green, in Kentucky, and I have known him for many years. He had charge of a female school there for a long time. He was a widower with two or three daughters, who were dependent upon him for support. He was unable to introduce his patent in the time limited by the law for that purpose on account of his poverty. The limitation having expired, he now asks the time be extended so he may derive some benefit from his invention, as well as the world at large.

It is regarded not only by the gentlemen on this committee who have investigated it but by others to be an invention of the highest character and the greatest value. Some of the testimonials in regard to it have already been read by my friend from Alabama. They all show this to be a grand invention.

I know there is in the minds of gentlemen some prejudice against the extension of patents, but, as was remarked by my distinguished friend, if there ever was a case where a patent should be extended it is the one now pending.

I wish also to bear witness to the fact that to my knowledge Professor Gaines is one of the most excellent gentlemen I ever knew in my life. He has given me the information that he has prepared a book adapted to his invention, which will be of great benefit to the world at large when published. No one will be deprived of any privilege or right now possessed by the extension of this patent. He simply asks that it may be extended, and that I hope will be done without opposition.

Mr. SPRINGER. Mr. Chairman, I have usually opposed the extension of patents. I do not understand from the very able and learned argument of the gentleman from Alabama [Mr. MARTIN] why it was that this gentleman, the proposed beneficiary of this act, has not availed himself of the privileges and the benefits of his invention during the lifetime of the invention. It may be, of course, this subject is one of such great abstruseness that the ordinary mind failed to comprehend it during the lifetime of the patent, or preferred to grope in ignorance; or possibly an additional length of time should be allowed to the inventor in this case to enable the times, which he seems to be considerably ahead of, to catch up with him. [Laughter.] It must be apparent to all that he has gone ahead of the times. Previous scientists have heretofore devoted themselves to measuring the distances of the fixed stars, to inventing peculiar and delicate apparatus by which they could weigh the sun or the north star in the balance and compute the distances between the planets.

But this scientist has taken the opposite direction, and has gone down into the very depths of molecules and atoms to furnish the apparatus by which you can weigh infinitesimal particles of matter and photograph a molecule of water. [Laughter.]

This seems to be a most extraordinary invention; it is a process by which you may establish kindergartens through the medium of which the little children of the country can learn what constitutes a molecule by sight, and can see with photographic distinctness the colors of the particles of oxygen and hydrogen. [Laughter.] I confess it astounds me. If this gentleman has succeeded in accomplishing this wonderful and extraordinary result, which has conferred and is to confer so much benefit upon humanity and so little pecuniary result to the inventor, there is nothing to equal it except the profound mysteries of Providence, of which Job, in the throes of one of his tribulations, spoke when he said:

Which removeth the mountains, and they know not; which overturneth them in His anger;

Which shaketh the earth out of her place, and the pillars thereof tremble;

Which commandeth the sun, and it riseth not; and sealeth up the stars;

Which alone spreadeth out the heavens, and treadeth upon the waves of the sea;

Which maketh Arcturus, Orion, and Pleiades, and the chambers of the south;

Which doeth great things past finding out; yea, and wonders without number.

Mr. WARD, of Indiana (from his seat). Give us the authority you are reading from. [Laughter.]

Mr. SPRINGER. My distinguished friend from Indiana asks what authority I read from. Mr. Chairman, I regret very much to feel compelled—

The CHAIRMAN. Will the gentleman suspend for a moment? [Laughter.]

Mr. SPRINGER. Certainly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCOTT having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 6429 granting a pension to Eunice E. Clark.

Also, that the Senate agreed to the amendments of the House to the bill of the Senate No. 1394 to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

The message further announced the passage of bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 13) for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee;

A bill (S. 1057) granting the right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation in the Territory of Dakota;

A bill (S. 1069) for the relief of George E. W. Sharets;

A bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance; and

A bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886.

SAMUEL M. GAINES.

The Committee of the Whole resumed its session.

Mr. SPRINGER. Mr. Chairman, when I was interrupted I had been asked for the authority from which I read. [Laughter.] I regret very much to feel compelled to acknowledge the ignorance of gentlemen of the authority from which I read, the great words of wisdom, for I had hoped it was so familiar in the American Congress that that would not

be necessary; though I feared that there might be some members even of this Congress who would not have known that I was reading from the ninth chapter of the book of Job, verses 5 to 11. [Laughter.]

Mr. WARD, of Indiana. Why don't you stick to your text?

Mr. SPRINGER. Mr. Chairman, my friend from Indiana—

Mr. HOLMAN. Be sure that you do not get the gentlemen from Indiana mixed. [Laughter.]

Mr. SPRINGER. My friend here insists that I shall stick to my text. I am going to stick to it. It is my intention to stick to it, and I call upon the honorable chairman of the Committee of the Whole here for his information upon the subject whether by means of this mysterious invention we will be enabled to detect the subtle difference that exists between oleomargarine and butter. [Laughter.] If this invention will accomplish that marvelous result it ought to be extended indefinitely; and as we are conferring what we understand to be nothing in the way of pecuniary benefit upon the inventor, the extension should be accompanied, as a fit testimonial, by a photograph of the old flag and a big appropriation. [Laughter.]

Mr. CUTCHEON. Will my friend from Illinois be kind enough to read the rest of the document from which he quoted? [Laughter.]

Mr. SPRINGER. I would with pleasure for the benefit of my distinguished friend from Michigan, but I refer him to the book, which I will take pleasure in commending to him, as I am sure he is not familiar with it.

Mr. SWOPE. Let me ask the gentleman from Illinois if he will be kind enough to indicate by what color oxygen and hydrogen are represented?

Mr. SPRINGER. That will appear from the remarks of my distinguished friend from Alabama. It has all been photographed there, and will appear to-morrow morning in the RECORD.

Mr. KELLEY. If I understood the distinguished gentleman from Illinois [Mr. SPRINGER] aright, he gave us a description of this invention from Job. Now science and invention have made such extreme progress since Job's day that I would rather have this bill referred to the Academy of Sciences and let them say whether this is an invention that ought to be patented by special act.

Mr. WEAVER, of Iowa. If Job discovered it you can not patent it now.

Mr. KELLEY. I felt that embarrassment, but I did not like to reflect on the right of Job to demand anything after the sufferings he had endured. [Laughter.] But I would really like to have the opinion of the Academy of Sciences, which we can get by the next private bill day, so as to know whether we are not being carried away by an invention having fallen into the hands of gentlemen who have not kept themselves up in the records of invention and scientific discovery. I therefore hope that when we come to consider this bill it will be referred to the committee on natural sciences. I suggest this, meaning no disrespect to the gentleman from Alabama [Mr. MARTIN] or the gentleman from Illinois [Mr. SPRINGER].

A MEMBER. Or Job.

Mr. KELLEY. Or even to Job. But I would respect the opinions of the Academy of Sciences on modern inventions beyond those of the three gentlemen united.

Mr. WILSON. I will call the attention of the gentleman from Pennsylvania [Mr. KELLEY] to the fact that in the beginning of his explanation the gentleman from Alabama [Mr. MARTIN] stated that this inventor had "plucked the unattainable from the realms of the unknowable;" and I ask the gentleman if under these circumstances he should not have his patent?

Mr. KELLEY. That is very well; but this is not the only man who has founded kindergartens that have taught children something.

Mr. MARTIN. I think we have had sport enough over this matter. I now propose to make a statement in addition to the explanation I gave at the outset, and which has excited the mirth of the gentleman from West Virginia [Mr. WILSON]. I will make this statement, that this is nothing more than a simple invention of blocks, colored, numbered, and lettered, by which the various substances, gases, &c., of which chemistry takes cognizance are represented and brought to the eye. It is so simple and plain that by taking these blocks in a moment or two the most intricate and delicate combinations of chemistry and everything relating to that science can be brought to the mind and made so plain and comprehensible that a little child can as easily understand it as a wise man. All the formulæ can be set up in these little blocks instead of being written down with letters.

I want to say to the distinguished gentleman from Pennsylvania [Mr. KELLEY] that this matter has been brought to the attention of the Academy of Sciences, if by that he means the great scientific men of the world, whose opinions I hold in my hand. I have here a little pamphlet of certificates which have been given to the inventor showing the invention is one of great value and utility.

Mr. KELLEY. I will assure the gentleman from Alabama that in what I said I was not joking. We have an Academy of Sciences established under the auspices of Congress for the purpose of examining just such questions as this. Its head and center is here in Washington. When I hear things described as being among the unattainable and unknowable I feel at least that I would like that academy to have—

Mr. O'NEILL, of Missouri. A crack at them.

Mr. KELLEY. Yes, as the gentleman says, to have a crack at them. Let us know whether we can penetrate the unknowable and possess ourselves of the unattainable.

Mr. MARTIN. I will say to the gentleman from Pennsylvania I have exactly the same feeling on that subject as the gentleman has. But when I find the testimony of the first men who are at the head of their pursuit all testifying and cheerfully testifying as to the value, importance, and utility of this invention, I am content, and I am perfectly willing for my own part to vote to extend the patent for the brief term of seven years, to enable an old school teacher who has worked this thing out of his own brain to bring it to perfection, and, if he can, to make it compensate him somewhat for the time and labor he has bestowed upon it.

Mr. ANDERSON, of Kansas. It seems to me that the opinions of these gentlemen, "like the flowers that bloom in spring," do not apply to this case. This is a question as to whether you will broaden the scope of the patent system so as to include all improvements which hereafter may be made in methods of teaching. If it be proper to give a patent in this case or to extend this patent for this valuable method of teaching chemistry, then certainly it is by analogy as proper to patent and extend patents for any improvement in teaching any possible science, to patent any improvement that may be used in common schools, and the simple statement of that fact is, to my mind, the very best reason why this bill should not pass. I question whether the patent originally ought to have been given. You may patent machinery, but when you come to patenting improved methods of teaching it does seem to me that the limits are being stretched altogether too far.

Mr. WILSON. Are there not patents on educational apparatus and copyrights on books used in teaching?

Mr. ANDERSON, of Kansas. If I had my way there would be no copyrights on books used in common schools.

But this is something which applies to colleges; it applies to modes of teaching, and my point is this: Say what you may as to the copyright system and as to patents upon apparatus also, where you apply the principle to a case of this sort, and then project it beyond this, as you will do presently, patenting every conceivable method devised for instruction, I for one shall oppose it.

The amendment reported by the committee, adding, in line 13, after the word "eighty-five," the words "and the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named," was agreed to.

The CHAIRMAN. The question now is, Shall this bill be laid aside and reported to the House with the recommendation that it do pass?

Mr. DUNN. Mr. Chairman, is it in order now to move to strike out the enacting clause of this bill?

The CHAIRMAN. It is.

Mr. DUNN. Then I make the motion that this bill be reported to the House with the enacting clause stricken out. I desire to speak to that motion.

Mr. HOLMAN. Mr. Chairman, let me suggest that the motion in Committee of the Whole to strike out the enacting clause is of the same character as the motion to lay on the table in the House, and is not debatable.

Mr. DUNN. Then, Mr. Chairman, I withdraw that motion, and move to strike out the last word, because I wish to make a few remarks on this bill.

I desire to call the attention of the House to the fact that all bills of this character are measures to maintain and perpetuate taxation of the most oppressive, burdensome, and extortionate character. It is that unseen and indirect method of taxation which robs the people without their knowledge. There is but one species of monopoly actually created by the laws of the United States, and that is created by the patent laws. Monopolies grow up under the operation of other laws, but the patent law is the only one that directly creates them. I had the honor to introduce into this House during the present session a bill to change the patent laws. That bill proposes to take away from the patentee and his assignees the exclusive right to manufacture, vend, and use the patented or discovered article, and provides that a just and liberal royalty, or upon the gross sales of the patented article, shall be secured and paid to the patentee or his assignee, and that all people who secure to him the payment of that royalty shall have the right to manufacture, sell, and use the patented article. That takes out of the patent law the element of monopoly.

It takes the whole country into partnership with the inventor, gives the people the benefit of it, and deprives the patent jobber, the patent broker, who now robs both the inventor and the public, of his occupation. That bill, if it should be reported favorably, would, I am satisfied, be passed by the House, and it would give the inventor himself better protection than he has to-day and more certain remuneration for his invention or discovery. The patent laws as now administered impose upon the people of the United States a larger aggregate measure of taxation than all other tax laws put together, State and national—I say it intrepidly, bold as it may appear. In their extortionate operations they reach every furrow, every workshop, every household, every individual in this broad land, and rob them *ad libitum*. The rate of taxation imposed by the patent laws goes by the hundred and thousand per cent. above the just and legitimate value of the article. What has

the Goodyear Rubber Company robbed the people of this country of in excess of the just value of their goods? What has the Singer Sewing-Machine Company similarly robbed the people of this country of? What have the inventors and manufacturers of agricultural implements also robbed the people of this country of?

What have all these patented articles, numbered by the thousand and the hundred thousand, which can not be enumerated, robbed the country of? What has the Bell Telephone monopoly robbed the country of? Let me tell my friends that the Bell Telephone monopolists are to-day but upon the threshold of the vast field of plunder that lies before them. They have not yet fairly entered upon their work; they have not yet got their hands into the pockets of the people up to their wrists, and they will go in up to the shoulder before they stop. And it is so with all other owners of patents which are or may be organized into monopolies. These patent organizations have gone further to corrupt the judiciary of the country than any other one legalized interest. They constitute a system of monopoly which should be stamped out. I want to tell gentlemen here, and to repeat with emphasis the language of the distinguished gentleman from New York [Mr. HEWITT] in this House a few days ago, that we have reached and far exceed the just limits of taxation. No wiser, no more timely, declaration than that has been made in this House.

When I speak of these taxes I mean not only those which are expressly and avowedly imposed as taxes *per se*, but I mean that vast field of resulting taxation which is concealed and unknown to the tax-payer, but which is made possible in a thousand forms, reaching like the tentacles of the devil-fish to every individual and every interest in this country, robbing them as mercilessly as that monster draws the life-blood of his victim.

The people complain. They are in arms. There is bloodshed. Congress and the country are inquiring the reason of the disquietude and distress. It is that taxation which is unseen and which has been legalized and made possible by legislation in this House in many different forms. Its most odious form is that of the patent laws. Our whole system of Government has been perverted, drawn away from the original basis on which the fathers placed it when they created it, and has been converted into a huge system of jobbery.

The taxing powers of the Government in dozens of different forms have been surrendered to associations of wealth, and by unseen and mysterious agencies the people are robbed of their earnings and the just fruits of their industry, and they know not why, where, nor how it is done. The direct taxes known and seen by the people, willingly and cheerfully paid, are the least of all these taxes. We have surrendered to associations of wealth the great, the primal powers which the Constitution attributes to Congress. The power to regulate commerce, attributed to Congress, imposed upon it, has been surrendered to associations of wealth known as railroad corporations. They have invested \$9,000,000,000—no, I should rather say they had issued stock and bonds to the amount of \$9,000,000,000—on which they tax the commerce and the traffic of the country for enough to pay interest and dividends on those \$9,000,000,000 of stocks and bonds. Their actual invested capital is about three and one-half billions of dollars. They take the country's note for \$3 to every \$1 invested, and they collect interest upon the whole amount. Cheap as transportation in this country seems to be, if it were brought down to the basis of legitimate earnings on the money actually and honestly invested it would be, I doubt not, one-half what it is to-day, and yet pay a liberal remuneration on the capital invested.

The power to coin money and fix its value, to regulate the currency, has been surrendered to banking corporations. Instead of one United States bank we have to-day more than twenty-two hundred, exercising powers that belong to the Government and should not be intrusted to associations of wealth, and coupled with the powers surrendered to these associations is the power to contract and expand the currency at will. My friend from Iowa [Mr. WEAVER] some days ago pointed to these methods of taxation and robbery. Let me tell him that he was firing over the head of the real enemy when he was firing at the national banks, amenable as they were to his able criticism.

Mr. WEAVER, of Iowa. Will the gentleman allow me—

Mr. DUNN. It is the taxation that is extorted under the operation of this surrender of the powers of Government that is impoverishing the people and driving them to desperation. The indirect and unseen taxation was the enemy that lay in ambush nearer to him than that at which he was firing. He was sound and correct in what he said, but he did not say half enough.

Mr. WEAVER, of Iowa. Then, Mr. Chairman, as it was impossible for me to say all, if I was sound and correct in what I did say, I am not obnoxious to criticism.

Mr. DUNN. It is almost impossible for any one to say all that ought to be said on this subject. The power of taxation, the power to lay and collect duties on imports for the purpose of paying the debts of the Government and providing for the common defense and welfare, has been farmed out, absolutely farmed out, to associations of wealth engaged in what is called the protected manufactures and industries of this country. For every single dollar that goes into the Treasury of the Government under that system of taxation \$5 go into the coffers

of private associations of wealth or individuals to increase their private profit and build up their private enterprises. When we look at all these vast surrenders of power, this absolute transformation of the Government from one which was intended to give its best results to all its people to what it is to-day, it is enough to fix the brand of treason upon the men who did it.

Where is your free people's Republic of thirty years ago? What is it to-day but a huge system of jobbery, that is taxing and robbing the people to poverty, to ignorance, to violence, and to bloodshed? Unless these evils are corrected there will come a day when this young Samson of the people will rise in his might, and, bursting these bands asunder, inflict just and merited punishment upon those who have been guilty of the attempt to throttle and bind and destroy them.

Mr. WEAVER, of Iowa. Will the gentleman yield to me one moment?

Mr. DUNN. Certainly.

Mr. WEAVER, of Iowa. In reply to the remark of the gentleman that I shot over the head of the real enemy when I shot at the national banks, I want to say that I think I shot at the head. In my judgment the national-bank monopoly is associated with all the other monopolies of this country, and stands at the head.

Mr. DUNN. I said not that the gentleman did not fire at a proper subject for his excellent artillery, but that he fired over the head of the more dangerous and unseen enemy—these invisible forms of taxation which lie concealed nearer to him.

Mr. WEAVER, of Iowa. If they were invisible I could not be expected to fire at them.

Mr. DUNN. I want to remind gentlemen again that these patent laws constitute a greater and worse burden than any of the others. I know nothing and care nothing about this particular case. I am opposed to the perpetuation of such monopolies and such taxing power in any form, and shall oppose it in every form in which it may make its appearance here. I oppose the extension of any and all patents.

Several MEMBERS. "Vote!"

Mr. KELLEY. Mr. Chairman, I ask leave to reply to the gentleman's proposition to strike out that single word. [Cries of "Vote!"] I will make my reply as brief as possible.

The CHAIRMAN. Only a *pro forma* amendment is pending, and general debate has not been closed.

Mr. KELLEY. I understood there was an amendment of the committee pending to the bill.

The CHAIRMAN. There is an amendment of the committee pending, to which the gentleman from Arkansas submitted a *pro forma* amendment when he rose to address the committee; but it was not necessary, as general debate has not been closed.

Mr. KELLEY. Then I have the floor for an hour if I choose to occupy it.

The CHAIRMAN. Certainly. [Cries of "Vote!"]

Mr. KELLEY. Mr. Chairman, in all seriousness, I ask before we approve this bill which is commended to us by such extraordinary assertions that we take the opinion of the official adviser of Congress in such matters—the National Academy of Science. I do it in all sincerity and in all respect to the gentlemen who press the bill.

I am not afraid, as is the gentleman from Arkansas [Mr. DUNN], of its ruining the country by the amount of money it will draw from the pockets of people who may want to use the patent, for, as I understand, the patent existed for seventeen years and nobody ever thought of buying one of the instruments, and therefore I can not believe that if we give it seven years additional life the demand for it will ruin the country.

I want to address the committee again to say that, while as at present advised I am against the extension of this patent, the gentleman from Arkansas [Mr. DUNN] has not spoken for me. I dissent from his premises *in toto*. I have read translations of much that both Most and Spies have published, but they have not convinced me that property is robbery and this country is going to the dogs because the Government imposes taxes and appoints assessors and collectors. I do not accept any of their infernal doctrines. [Laughter and applause.]

Mr. BROWN, of Pennsylvania. Good!

Mr. KELLEY. But I do believe that a great invention is property, which should be protected by a just government. [Applause.]

Mr. DUNN. The gentleman will allow me. No one will doubt he is in favor of high taxes. He has left the country in no doubt about that. [Laughter and applause on the Democratic side.]

Mr. KELLEY. I am in favor of taxation to so develop States that there may be something to tax. [Applause on the Republican side.] I will discuss that proposition on the basis of Arkansas when we get up a bill reported by a committee of this House of which I am a member. I believe in developing the resources of a country, in giving the people of a country employment in other seasons than when agriculture requires either planting or reaping. [Applause.]

I believe, sir, that if the politicians of Arkansas would permit the development of the material resources of that State she would shine resplendent among the industrial nations of the world, and her people would abound in wealth. What other State has her material resources?

Mr. DUNN. What prevents it?

Mr. KELLEY. What prevents it! Why, the absurd economic theories, devotion to which led to the formation of your southern confederacy. [Applause on the Republican side.]

Mr. BROWN, of Pennsylvania. That is just it.

Mr. KELLEY. Popular belief that our workshops should be on the other side of the ocean instead of in the United States. [Renewed applause on the Republican side.] That is what is the matter with you.

What prevents you!

Mr. DUNN. Yes.

Mr. KELLEY. Why the principle of that provision of your confederate constitution.

Mr. DUNN. Have you not one law—

Mr. KELLEY. It is my turn now, and I do not yield.

Mr. DUNN. Have you not one law for Arkansas to-day and another for Pennsylvania?

The CHAIRMAN. The gentleman from Pennsylvania has the floor, and does not yield.

Mr. KELLEY. No; I do not yield.

Mr. DUNN. I grant you have a law which robs Arkansas.

Mr. KELLEY. I do not yield; nor do I ask the gentleman to make my remarks.

What prevents them! Why, sir, it is that constitution which lives in their hearts and minds and controls them, which prohibits, so far as law and popular principle can do it, the development of the resources of great States. Sir, that constitution, against the establishment of which Abraham Lincoln and Edwin M. Stanton, the Army and the Navy of the United States, and the loyal people of the country were "arch-conspirators," prohibited the development of the resources of the States over which it was intended to prevail as fundamental law. In round-about language it declared that the boundless and vastly diversified mineral resources and manufacturing power of the country should not be developed so long as the oppressed laborers of Europe could under the control of the concentrated capital of the world make wares and fabrics cheaper than they could be made in those undeveloped States where capital was needed. That is the whole story. It is devotion to this theory that keeps the South poor.

Where, for instance, outside of the State of Arkansas, on the American continent can you find beds of purest chalcedony from which an ingenious, cultivated, and industrious people would supply the world with precious works of art?

Mr. DUNN. You do not send 2 per cent. of all of your manufactures to the world.

Mr. KELLEY. I will not consent, Mr. Chairman, that the gentleman shall continue to interrupt me.

Where are there beds of better ore for iron or for steel, whether Bessemer, open-hearth, or basic? Where are there more willing laborers than in the State of Arkansas and other undeveloped portions of the late confederated States; and, let me ask, where does illiteracy so prevail? Yes, the comparative poverty and ignorance of the entire South are legitimate results of that same system of infernal devotion to foreign commerce to the exclusion of the utilization of their own native material and the development of the faculties of their own people. [Applause on the Republican side.]

Of what has the mowing-machine robbed the country? By what statute, State or national, was any citizen of Arkansas ever compelled to buy a mowing-machine? [Laughter and applause on the Republican side.]

What Arkansas woman was ever arrested and lugged before the courts of law because she did not buy a sewing-machine? [Laughter.] Sir, the gentleman is not old enough, but if he were and would recall Arkansas as she was half a century ago, when bands of freebooters made her their refuge and there was not an industrial invention known within her borders, he would be ready to agree with gentlemen on this side of the House that if it had not been for patented invention Arkansas would still be a wilderness.

Mr. DUNN. And Pennsylvania protection has been raiding it ever since Murrell quit.

Mr. KELLEY. Pennsylvania has done her whole duty in the premises. She furnished the Army against that free-trade constitution as many able-bodied men in proportion to her population as any other State. [Applause on the Republican side.] Her people were all "arch-conspirators" against the perpetuity of the constitution of the Confederate States of America. [Renewed applause.]

I have probably gone far enough. If I went further I might touch upon the domain of the tariff [laughter], and I therefore yield to my friend from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Chairman, the bill now before the committee for consideration has not challenged the slightest attention from either of the honorable gentlemen who have just spoken. The discussion has taken a wide range. It was very far from my thought to take any part in this debate. I avail myself of the courtesy of my honored friend from Pennsylvania, Judge KELLEY, only to reply to the observations of my friend from Arkansas [Mr. DUNN] with reference to the operation and influence of our system of patent laws; but I have been

so happily anticipated by the father of the House, Judge KELLEY, in much that I would say, that I shall detain the committee but a very short time.

My friend from Arkansas has rightly said that in some cases inventions have been so utilized in this country as, in a measure, to exact unjust tribute from our people. That has been exceptional, however. The instances are few and far between. I submit, Mr. Chairman, that our fathers did no wiser thing for their posterity than when they provided in the Constitution for encouraging and cherishing the growth of literature and art among our people by securing to inventors and authors for a term of years the exclusive ownership of the product of their genius. The unequalled growth and development of the arts and the marvelous progress made in all the fields of literature are due, and almost wholly due, to the protection afforded to inventors and authors under our beneficent patent and copyright laws.

The genius of invention lies at the very foundation of our industrial growth. Everything about this Hall bears witness to the good that has been done by the inventive genius of the country. In some rare instances there may have been what seemed to be unjust exactions by those owning and controlling valuable inventions, and I agree with my friend that possibly, if such a thing was practicable, it would be well to do here as is done in Germany with reference to certain inventions.

Mr. DUNN. Let me ask the gentleman from Ohio a question. Do you not believe that a liberal royalty would be better, and would more uniformly compensate the inventor himself, than the present system?

Mr. BUTTERWORTH. I was just about to refer to that. Under the German system there are certain inventions upon which the government reserves the right to and does fix a royalty. It relates to that class of inventions which, on account of their utility, go into such general use that if retained in the hands of monopoly hardships might result by reason of the price being placed beyond the reach of many of the people. There is, however, this difficulty in the way of adopting such a system here: One invention is often so related to and blended with others, and necessarily so, that it is almost if not quite impossible to tell just what device or improvement would properly be covered by the royalty. I have given the subject much thought, and am inclined to the belief that, however desirable in result, the German system would, in practical operation in the United States, be impracticable if not impossible.

Now, I wish for a moment to call the attention of the committee to the suggestion of the venerable gentleman from Pennsylvania. No man in this country is compelled to use an invention. He may let it severely alone if he prefers for any reason to do so. It does not devolve upon the farmer to use a horse-rake or a mowing-machine or a thresher. He may still rake his grain with a hand-rake, cut his grass with a scythe, his grain with a sickle, and thrash it with a flail or upon the tramping-floor. We may still go to church in a jolt-wagon instead of availing ourselves of the more modern phaeton or traveling carriage. We may still go for the doctor upon a horse or afoot instead of using the telegraph or the telephone or going upon the swift-moving train. We may still put wheat in one end of a sack and a stone in the other to balance it and swing the sack across the back of a mule and take it miles across the country to mill or market instead of availing ourselves of the modern instrumentalities, the product of inventive genius, which will enable us to do it cheaper and better at a tenth of the cost of time and labor. I say this only to illustrate that we may resolutely stick to the old ways if we will. We are not compelled by law to have things either comfortable or convenient. But it is susceptible of easy demonstration that under the system which my friend seems to disparage it has been made easier and cheaper in all the affairs of life to have both the comforts and the conveniences which are in this day and generation almost indispensable to happiness.

The growth of industrial art, while rapid in one sense, is yet so gradual that we are apt to ignore the marvelous achievements in the matter of practical results attained. In a short time the broad fields of the South will be white with cotton. Why, Mr. Chairman, all the adult population of the United States would not be equal to harvesting the cotton picking the fibers from the seed, and preparing and putting the product into cloth by the old hand process and without the intervention of modern inventions.

Think of a nation of fifty-five millions of people being unequal to caring for and utilizing a single crop in one section of the country. This seems like an exaggerated statement, and yet it is susceptible of demonstration. And not only would the labor be enormous but the cost of the coarsest calico would be equal to the cost of a yard of silk to-day.

Why, sir, but for the inventive genius of this country our lines of settlements would not to-day have reached beyond the Alleghenies.

Mr. DUNN. Will the gentleman allow me one remark?

Mr. BUTTERWORTH. Yes, sir.

Mr. DUNN. That is the stereotyped answer to every argument that is made against extortion, against the right to extort unreasonable charges. What the gentleman has been stating is not what I was arguing. I say that the patenting of these invented articles and these discoveries under the law which gives the inventor or his assigns the exclusive right to do what he pleases with them destroys all compe-

tition in manufacture, all competition in sale, all competition in any methods of use, and causes the thing to be sold at a price four or five times higher than it ought to be.

Mr. BUTTERWORTH. That is what my friend said. I understood him perfectly. I do not think any one misunderstood him. I want to say to him the experience and history of the world is that without the full and adequate protection which our law affords to the inventive genius of the country there would be no development in the line of industry, no competition for which he sighs, since the very germ from which competition in the various arts must grow, would sicken and die the moment you take away the exclusive property right of the inventor in the thing which he invents. In the absence of law which secured to men the fruit and coinage of their hands and brain, science hid itself in the cloisters. It had nothing for and gave nothing to the people. What there was of learning, what there was of science and art was hid away in temples and cathedrals, and was retained without law by the few and scattered curses instead of blessings among men. It was not until encouragement was given to the inventive genius of the world that rapid progress became possible, and a superior and enlightened civilization was ushered in. The tax, if any, is in each case self-imposed, and for dimes exacted dollars are returned. I wish in this connection to call the attention of my honored friend to a fact not generally known, and which he therefore naturally overlooks. It is this: There is not 10 per cent. of the inventions of this country that pay back to the inventors, or to anybody except our whole people who use and enjoy them, 10 per cent. of the cost of their production.

Of the four hundred patents I signed each week not 10 per cent. ever paid the inventors a tenth of the cost of their production, and yet each and every one was a valuable step in the growth and development of the art to which it related. Alone it could not be made available to yield profit to the inventor. And so the world obtains all these improvements, these progressive steps in the growth of the art, without paying a penny. We pay full value possibly for those great improvements which work a revolution in the art or method, and even in these the advantage in the use of the improvement is in excess of the increased cost; else clearly they would not be purchased, for men do not buy or hire without a view to profit. The advantage is always weighed in the balance against the increased cost over the old method. Few have any just conception of the number of persons who have bestowed earnest effort in investigation, thought, and labor in the production of the finished machines by which such wonderful results are obtained. The sewing-machine of to-day is a remarkable instance. The first crude machine was invented more than two centuries ago in Paris, France. And, sir, the production of the finished machine of to-day with all the appliances, engaged the effort in thought and action of a greater number of men than Caesar led in the conquest of Gaul.

The mowing-machine in crude form antedates the Christian era. It was used in Colchis. The reaper and mower seen to-day in the harvest fields of our country are the product of the efforts of a greater number of men than were required to build the lines of railway to the Pacific Ocean. Sir, the genius of artisans and mechanics throughout the world and especially in the United States is at work daily solving the great problem of lightening the burdens of the toiler by securing better and larger results with less use and wear of human energy and muscle. They are busy everywhere increasing and cheapening the comforts and conveniences of life, each having under our system for a term of years the exclusive ownership of the valuable thing he has contributed to the growth of art or literature.

The history of the world shows conclusively that men do not put forth an effort except in the hope and expectation of reaping a proper reward. No man or woman ever struggled to produce a sewing-machine merely to do his or her own sewing, nor would McCormack have labored, studied, and experimented a lifetime to produce a reaper merely to cut his own harvests, nor yet to give without just compensation the result of his efforts to the community at large. Our knowledge of men and the experience of mankind leaves no doubt of the correctness of this proposition.

Now, I desire to call the attention of my friend to another matter in reference to the inventive genius of the country. There is a widespread belief that when an instrument, device, or machine is produced which enables one man to do the work of five or six, wages are thereby necessarily and permanently reduced. The result is exactly the reverse. Instead of reducing wages they are in fact increased. Our industries are multiplied and labor redistributed and lightened. The inventive genius of our country redistributes labor, lightens the burdens of the laborer, increases the comforts of home, multiplies the means of enjoyment, and adds to the sum of human happiness. Why, sir, there are one hundred industries in the United States to-day employing thousands of men that did not exist five years ago, each one of those industries filling an important part in our vast economic system.

I had occasion while preparing the exhibit for the New Orleans Exposition to investigate in order to see how far the inventive genius of this country in producing labor-saving machines and machinery tended to reduce wages. I found the result was simply to redistribute the labor. In the shoe factories of New England, where one man by means of labor-saving machinery was enabled to do the work of twelve, the

wages were advanced while the output was vastly increased. Our people do not go barefooted from spring to fall now; shoes are within the reach of all.

I desired to make this reply to my friend from Arkansas because I did not want the allegation to go out unquestioned that the patent laws of this country, which secure to every inventor the product of his genius, are working against the best interests of our people. That is not true. Mr. Chairman, there never was a time in the history of this Republic, there never was a time in the history of the world when a day's labor would purchase so much that is necessary and needful for the comfort and convenience of mankind. Never in the world! Talk about our struggling people. Why, sir, do you reflect that within a generation we have received into our midst nearly eight millions of people from Europe, that we have taken them into the ranks of labor, and into our social and political organism as well.

Those people have had to find in our mills, shops, factories, fields, and mines the opportunity to earn a livelihood. And to-day, I say to the gentleman, it is due to the inventive genius of this country, from which has sprung our multiplied industries, that we have been enabled to do this. Look at the results. Why, sir, the wage of one day's labor in Boston or New York will pay the freight on a year's supply shipped from the city of Chicago to New York or Boston. In other words, the price which an artisan or mechanic in Boston or New York gets for a day's labor will pay the cost of shipping his year's supply from the city of Chicago to Boston and New York, and that result is due and due alone to the inventive genius of this country, fostered, cherished, and protected by our system of patent laws.

My friend says that the patent laws impose an unperceived and unknown, though oppressive, tax upon us. What is there in this country that costs more than it did half a century ago? What comfort and convenience has not been enlarged, increased, and cheapened? What burden has not been lightened by the fruits of the genius of invention? Name one.

Mr. DUNN. That is not the question. The question is, What is there in this country that does not cost more to-day because of the excessive tax upon it.

Mr. BUTTERWORTH. There is absolutely nothing that costs more. Every man is able to produce more now. There is not a man in America that can not produce 500 per cent. more in every direction than he could twenty-five or fifty years ago. The farmer can plant a far greater number of acres with less labor and less expense—can take care of more acres of land, take care of it better, and have his crops in better condition than he could in the older day. Nor is the labor of the husbandman now, as formerly, a constant wear and waste of muscle. He does have to pay more for each laborer, but the general cost of production is less.

Mr. DUNN. And he has less at the end of the year.

Mr. BUTTERWORTH. One moment. My friend can not hire a man now to go into the field to rake and bind behind the cradle, but the same man gets more wages for sitting up and driving the horses that haul the mowing machine, or the reaper, or cultivator. You can not get working men to toil as they once did. The day of drudgery has passed away. The brain has come to the relief of the hand, the mind to the relief of the muscle. Our miners will not dig as they used to. Why? Because modern inventions and appliances have enabled one man, without the effort which so rapidly wore out the workman, to do the work of ten, and the interest and the humanity of the employer compels him to adopt the labor-saving appliances. Coal is dug for less now than it was years ago. It is shipped for less; the cost of production generally is less, and hence the cost to the consumer is much less than formerly; and, Mr. Chairman, I repeat, nobody is obliged to use modern inventions.

There is nothing to hinder my friend from Arkansas in case he has the toothache from going to the old-fashioned dentist and being dragged around the floor two or three times before his tooth is extracted. [Laughter.] Or, if he prefers, he can adopt the modern method, and go to a dentist who is abreast with the age and have the tooth extracted almost without pain. If amputation of a leg is necessary, he has still the right to have his leg sawed off by the old method, instead of adopting the new, by which the operation is comparatively painless and perfectly safe. It is the inventive genius of the young Republic, encouraged by the Constitution and the laws made in pursuance thereof, that has made us what we are, the first among the nations of the earth in industrial growth. It is interesting to compare the machines and implements of to-day with those of the olden time. Consider the art of war. Why, sir, if there had been mounted upon the walls of Troy our modern engine of war "Argive Helen" could have summoned to her side her maids and unaided driven the Greeks from the plains before the city and have sunk the Grecian fleet, had she been opposed only by the implements of war the invading hosts are said to have used in that famous siege. [Applause.]

Sir, it will not do to protest against what the inventive genius of this country has done, or to denounce it as a source of unjust or needless extortion. It has cheapened everything. It has carried blessings to every household in our land, and has placed them within the reach of all.

My friend from Pennsylvania [Mr. KELLEY] has put the case well with reference to the protective system. I will not enter upon that line of discussion. I proposed only and very briefly to point out the result of our patent system in securing better methods and increased comforts at reduced cost.

Mr. Chairman, how is the inventive genius stirred into active effort? Why, sir, clearly by giving to that genius the enjoyment of the result of its effort. Why, sir, in every shop the man who was busy hammering into shape a horseshoe asked: "Is it not possible to make this horseshoe without wearing out the muscles of the men who stand at the forge?" And in answer the spirit of our law said: If you produce such a machine it shall be your exclusive property for a term of years in consideration of your labor in its production and the ultimate blessing to mankind. The result was that in time the genius of the workman solved the problem. A mechanic—a mechanic, not a millionaire, not an idler—constructed a machine which makes more horseshoes in a day, and makes them better, than fifty blacksmiths could. The blacksmith that used to make horseshoe-nails—the man in whose shops we as boys used to sit and at whom we used to look with admiration of the cunning of his hands, to whom we talked, while resting he leaned upon his anvil—that man asked himself daily if there was not some machine possible by which his labors could be lessened and he be made prosperous in the production of such a machine, and the result was that the struggling inventive genius finally gave to the world a machine which would do the work of a hundred blacksmiths in making horseshoe-nails, and would make them better and cheaper. And so it goes through the whole range and field of art. Thus the artisans and mechanics of our country in the development of their several arts—blessed themselves, and better still, they conferred a lasting blessing on their fellow men.

Mr. KELLEY. Will the gentleman yield to me for a single minute?

Mr. BUTTERWORTH. Always.

Mr. KELLEY. My friend's description of the manufacture of horseshoe nails, and other nails, recalls very vividly to my mind what I spent some days in studying in the neighborhood of Birmingham, England, in 1883. There I saw nails made by women and their daughters, in the nail-works of England, where our patent law does not operate. There you find the mother, assisted by her daughter, working fourteen hours a day and the two getting a shilling and a half, what with us would be 37½ cents.

Mr. MILLS. But one man here makes as much as five men over there.

Mr. BUTTERWORTH. I thank the gentleman from Pennsylvania for the interruption. I wish to say one other thing. It seems as if Providence had guided and controlled the genius of invention so as to meet in proper order the growing wants of men, kindred inventions in the same art going forward hand in hand. This is happily illustrated by the fact that while Whitney down near the Gulf was giving the world the much needed cotton-gin, a collaborer across the ocean was finishing the spinning-jenny. And in another shop a busy workman was completing the loom. All working unknown to each other, to one great end—to comfortably and cheaply clothe our people. And though older in conception, yet later in maturing came the sewing-machine. So amid the cotton fields of America Whitney by his genius enabled the planter to prepare his cotton for the manufacturer. Hargreaves, an English mechanic, had produced the spinning-jenny. And Cartwright had invented the loom, and in a short time, although all the fields throughout the South whitened with the cotton crop, inventive genius had prepared the way to take care of it so as to make our clothing cheaper and more abundant.

The same idea is grandly exemplified in the development of the art of printing? When the Dark Ages passed away and the Reformation was ushered in, it was necessary to facilitate the dissemination of great truths, to scatter them broadcast throughout the world. What followed? The invention of the art of printing; and on the heels of that there came in time the power-press; so that to-day the thoughts of worthy men, and I regret to say the unworthy, too, are carried on the wings of lightning and given to the press everywhere, so that the sententious suggestions of my honored friend from Arkansas will be read to-morrow in every hamlet throughout this country as well as, I am glad to say, that thoroughly efficacious antidote administered by the honorable gentleman from Pennsylvania. [Applause.]

I wish to say but one thing further, for I had no expectation of trespassing so long on the time and patience of the House. The spirit which actuates my friend from Arkansas is the same spirit which mobbed Jacquard in Lyons when he sought to bless his people by giving to them the Jacquard loom, through the aid of which a handful of men could do the work of a hundred. It is the same spirit which mobbed the inventor of the sewing-machine in Paris; the same spirit which in England mobbed that genius in mechanics Hargreaves because it was supposed his invention would take bread out of the mouths of the laborers who worked in the factory by his side. Yet I take it, the gentleman from Arkansas will, like those who in Lyons mobbed Jacquard and afterward contributed to build a monument to his genius, live to thank the inventors of this and other countries for what they have done to bless mankind.

If I should make any criticism upon the disposition of the people represented by my honored friend from Arkansas it would be that they have refused to keep pace with the growing spirit of the age. They have had to be dragged along slowly; but I trust they are coming surely. I am willing, sir, if it be not ill-advised, to suggest the comparison, to take any State of the Union where inventive genius has been encouraged, where the people have made haste to use turbine wheels and engines and sewing-machines and telegraphs and telephones—in other words, where they have been quick to avail themselves of the best method of achieving important results—I am willing to compare any such State or locality in point of intelligence, industry, the comfort of its people, and in point of true contentment and that happiness which springs from wise content, with any section of this country or any other where the spirit which actuates my honorable friend from Arkansas is in the ascendancy. The results will speak for themselves, and are more potent than any language I can employ.

The inventive genius of this country hunts out every furrow and seeks to turn it broader and deeper. It seeks the woman who is using the needle and says to her, "Do not use your fingers; use machinery." In other words, it seeks to lessen the toil which makes man a burthen bearer, and seeks to enable him to do by his genius that which our fathers did with their muscle alone.

I desire to say that the intellectual coinage of my friend is as much his property as that which he creates with his hands, and may be of vastly more importance to mankind. There is not a wheel that turns in all this universe, not a trip-hammer that falls, not a spindle that whirls, that did not first turn and fall and whirl in the brain of the inventor. The machine is but the materialization of the inventor's conception. And the result of his intellectual effort is as much his property as if it was merely and wholly the work of his hands—work fashioned out of physical substances without the exercise of the genius of invention. If this truth be not recognized, then inventive genius will shut itself up, will cease to be active, for no man exerts himself except for the reward which is to follow. My friend, if he will investigate this subject carefully, will find that his criticisms upon that system under which our Government protects the inventors and authors of the country are unwarranted and unjust.

There are so many things coming into my mind as I stand here which illustrate so thoroughly the advantages we have obtained from fostering and cherishing the inventive genius of our people that if I should attempt to recite them I should detain the House much longer than I desire and much longer than members would be willing to listen. I will, however, cite one or two marked instances to which my honorable friend from New York [Mr. HEWITT] called my attention yesterday. Bessemer steel is one, the value of this invention in saving to the country is not estimated by hundreds of millions only, but by thousands of millions of dollars. The other invention to which that same friend also called my attention is the machine for testing the strength of wood, iron, and steel, used in the construction of buildings, bridges, &c. Thousands of lives have been saved as the result of its adoption, and the saving in dollars to this people amounts to hundreds of millions. Mr. Chairman, the genius of invention is the inspiration of God; and it can not do otherwise than bless us when wisely directed. [Applause.]

I will not consume more time to-day, but I shall take occasion at an early period, if opportunity is offered, to furnish to the House and the country some statistics which will set forth somewhat in detail the marvelous growth of the industrial arts in this country; how greatly our industries have been multiplied; how opportunities for remunerative employment have been increased; to what vast extent the comforts and conveniences which adorn, beautify, and make healthful the homes of our land have multiplied and cheapened. I shall do this in connection with the proposition to give the honorable Commissioner of Patents, Mr. Montgomery, the force actually necessary to dispose of the vast business brought to his bureau. I feel well assured, Mr. Chairman, that upon careful study of this question gentlemen will reach the conclusion that in nothing did our fathers show greater wisdom than in providing for the encouragement of the coining and printing of noble and ennobling thoughts and the production of labor-saving machinery. I return to my honored friend from Pennsylvania such portion of the hour as remains. [Applause.]

Mr. KELLEY. The general demand seems to be for a vote; and, unless somebody has some special benediction to pronounce, I will now ask for a vote.

Mr. DUNN. I have a "special benediction to pronounce" for the benefit of my friends on the other side.

Mr. KELLEY. Then I reserve the residue of my time. How much time have I remaining?

The CHAIRMAN. Twenty minutes.

Mr. DUNN. I am not at all surprised, Mr. Chairman, my criticism of the policies which have obtained during the past twenty-five years of bad legislation and administration should have roused to the very depths the friends, adherents, and advocates of high taxation and monopoly extortion. I anticipated that, and I am gratified at the result.

Let the galled jade wince, my withers are unwrung!

Now for reply to my distinguished friend from Pennsylvania [Mr.

KELLEY]. Who doubts if the Government would longer exist without a method of taxes which enables Pennsylvania and other such States with like interest to develop by robbing the tax-paying people by means of an unseen, unknown, unpublished, and unconsented-to system of taxes. [Applause.]

That gentleman, as he always has done, claims to be the special champion of labor. I will ask the Clerk to read what is said by a master workman and laborer of Pennsylvania—what he says in behalf of Pennsylvania capital and monopoly, of associated wealth clothed with power to extort and rob under an unjust system of taxation.

Mr. KELLEY. Name the author.

Mr. DUNN. Mr. Powderly. You will get his name when the article is read.

The Clerk read as follows:

FREE TRADE IN LABOR—THE KIND OF WORKERS PROTECTED INTERESTS EMPLOY IN PENNSYLVANIA.

SCRANTON, PA., June 24.

Ex-Mayor Powderly, of this city, general master-workman of the Knights of Labor, who has just returned from a trip to the Connellsville coke region, said Saturday that he never believed such degradation possible as he had witnessed among the Hungarians in that portion of Pennsylvania. The condition of the women who worked at and around the glowing furnaces, doing tasks that would try the stoutest men, he described as being most lamentable, and surpassing in grim realism anything he had ever heard or read on the subject. He says: "I have often heard of the employment of women at the coke-ovens, but never had an opportunity of seeing it before. At 6 o'clock in the morning I went to the coke-works, and there I saw that the stories I had heard about this matter were not exaggerated. At one of the ovens I saw a woman half naked drawing the hot coke from the chamber. She had no covering on her head and very little on her person. Her appearance was that of one whose spirit had been broken by hardship and hard work. Her attire consisted of a coarse chemise and a pair of cowhide boots. In a freight car close by stood another woman forking the coke as it came to the car. Forking is the term used to indicate the disposition of the coke when it is thrown into the car. The person who does the forking throws the coal to either end of the car as it is wheeled in. The woman stood in the doorway and was dressed in a rough, loose-fitting outer garment and an apron. Her person from the waist up was exposed. When she stooped over to handle the coke she caught her hair between her teeth in order to keep it out of her way. Her feet were encased in a pair of heavy shoes and her legs were exposed from the knees down. Her babe, which she brought to the works with her, lay in front of the car, with scarcely any covering except the shadow of a wheelbarrow, which was turned up in order to protect the child from the rays of the sun. Many more such scenes met my view, and some of them were even worse than this. The opposition to the Hungarians amounts to a hatred, which is liable at any time to burst forth into a blaze that may sweep them entirely out of the country."

Mr. DUNN. Now, Mr. Chairman, my friend from Kentucky [Mr. BRECKINRIDGE] hands me an extract from the New York Herald, which I also ask the Clerk to read. It gives a further account of the beauties, luxuries, and wealth and delight of that protected labor. [Applause.]

Mr. KELLEY. Mr. Chairman—

Mr. DUNN. I do not yield.

Mr. KELLEY. I thought the gentleman had taken his seat.

Mr. DUNN. No; I have a good deal more to say. [Laughter.]

Mr. KELLEY. I do not ask him to yield.

Mr. DUNN. I hope the gentleman will have patience to hear what is coming.

The Clerk read as follows:

WORN OUT—AFTER YEARS OF STRUGGLING LITTLE EMILY HEARN FINDS LONG REST.

Yesterday the body of little Emily Hearn lay in a casket, and beside it stood those who had loved her, and their tears fell upon her shroud. She seemed to rest in sleep; it hardly seemed as though it was death. A smile softened the rigid lines of her mouth, while the lips and the cheeks were softly tinged with a pink that might have adorned a rose. The neighbors and the acquaintances who lived in the same building—No. 47½ Carmine street—reverently glanced at the dead girl's face and gave their whole heart's sympathy to the poor widow whose main support she had been.

Yes, she had toiled for the mother and the little brothers since the time she had first been able to earn a dollar, and only ceased to toil when exhausted nature revolted as she sat making gay millinery feathers at her bench in the factory. Of the young girl the kind-hearted neighbors talked freely. In the humble dwelling she was known as "Pretty Emily." Her features were regular, her hazel eyes large and flashing, and her black hair when shaken from the comb fell in great masses, so that she, to please the mother who adored her, would laughingly sit upon it, "just to show the folks how long it was."

MUCH LABOR AND SMALL EARNINGS.

She had one of those faces, those sweet, open faces, that men as they pass through the streets turn to look at. "And had she not those who would love her?" said the mother amid sobs. "Lord bless you, sir, my girl was a good girl, and she listened to no nonsense. It was from bed to the shop, from the shop to the work she brought home with her. She was one of the industrious kind." Of her virtues and industry the neighbors were never tired telling.

"And what did she earn working so hard?"

"Six dollars a week, please you, sir."

The little maid, for she was scarcely eighteen, was loyal by nature, true in heart and faithful to those few persons with whom she came in contact. For three years she had worked for her employers in the Grand street millinery goods factory, and she was fond of them and they of her. Only a week ago the two other girls who had been employed there left to go to another place where fur goods were made. It was the very height of the employers' busy season, yet they deserted him. Little Emily believed it a "shabby trick," and "she tried to do too much," so says the son of one of her employers.

DIED FROM OVERWORK.

"She left her table, where she had been making dark-blue pompons, and started for the stairs," said the same young man. "She went up as I came down. She was suddenly ill. Mother went up and saw her lying down. Mother said, 'She is overworked; let her sleep.' Later mother went up to see her, and she came down saying, 'I don't like Emily's looks; her cheeks are getting blue.' I was out. Mother went for a doctor and father tried to make Emily drink a little cognac, but she was insensible. The doctor came, but Emily was dead."

Deputy Coroner O'Meagher made a post-mortem examination of the body. He said: "She died of congestion of the brain. Her blood was watery from general debility, caused by overwork."

Indeed, into her work she had put her life; it was all she had to give. They took her from the workshop to the place which had been her home and left her with her mother. And to-day, between the hours when the church bells will ring for morning and evening service, she will be borne away to Calvary Cemetery to be laid among those who have fallen asleep before her. At rest—poor little Emily Hearn, poor little factory girl.

Mr. DUNN. There is another from the great protected silk manufacturing industry, where they all should be happy and clothed in fine raiment.

The Clerk read as follows:

THE SILK-WEAVERS' APPEAL.

The striking silk weavers, of West Hoboken and Union Hill, N. J., have issued a circular, setting forth that their wages have been steadily reduced during the past five years until now they are less than 50 per cent. of what they were. At the same time living expenses have increased by the advance of rents and cost of necessities. They believe that overproduction can be checked by decreasing the hours of labor, and their productions will consequently command better prices. They state their position is that of white slaves; that the manufacturer pays them paltry wages, while he lives in princely style. Their demand is for bread, and they appeal to the people to aid them.

Mr. DUNN. Mr. Chairman, that ought to be an answer to all that has been said by those who claim to be the special champions and protectors of labor. No such conditions as these have ever existed in Arkansas or the South. The day is coming, has come, when they will no longer be able to rob the wages of the laborer of half its value by doubling the cost of that which is necessary for him to live upon with an unseen and insidious tax and persuade the laborer that it is protection to him.

In the name of protection you have robbed labor of its wages; you have robbed the life of labor and of laborers and their families of its happiness and pleasure, and you send their children to premature graves with the prayers and the smiles of the pharisee upon your lips, while you send them to a pauper's grave prematurely prepared for them, and pocket the ill-gotten fruits of protection.

The gentleman says that but for the unwisdom and folly of Arkansas politicians Arkansas would be great to-day.

Mr. BAYNE. I would like to ask the gentleman a question.

Mr. FARQUHAR. I hope the gentleman from Arkansas will not be interrupted. This is the best speech for protection ever made on this floor.

Mr. BAYNE. I hope the gentleman will yield for a question.

Mr. DUNN. No; I do not yield. I hope the gentlemen from Pennsylvania will be able to keep their seats while I occupy the floor.

Mr. BOUTELLE. The gentleman did not keep his seat while the gentleman from Pennsylvania was on the floor.

Mr. MILLIKEN. No; the gentleman from Arkansas did not appear to be very well anchored while the gentleman from Pennsylvania was speaking.

The CHAIRMAN. The gentleman from Arkansas declines to be interrupted.

Mr. DUNN. I expected the galled jades to wince. I expected that. I am not surprised. It shows that my shots are well directed.

The gentleman from Pennsylvania said that it was the folly of Arkansas politicians, which he uttered with a sneer, which prevented that State from blooming and developing as a garden. He is mistaken as to whom Arkansas is indebted for its present condition, which is not perhaps as deplorable as the gentleman might imagine. Still I confess that it has been grievously wronged and robbed.

If the account is carefully examined and the guilty parties detected requisition would be sent to Pennsylvania for the robbers. It is the Pennsylvania statesman who has robbed Arkansas and also other tax-paying communities of their just prosperity; and I am aware, and I grant him, that this policy of protection has allowed them to do it; that this Government in fact lays one hand upon the property of the agricultural communities, and with the other transfers it to the pockets of his constituents; and that is what a judge of the Supreme Court called "robbery."

But I am not here to make a tariff speech. The people are coming to understand all of that. What have I said that looks toward striking down the inventive genius or impoverishing it or discouraging it? I think that those who framed this Government intended that the laws should be so enacted and so administered that the greatest possible freedom and benefits and happiness should flow to all the people, not to favored associations of wealth alone. I know that it is the theory of old countries and of our own Federalist friends that the masses of the people could not be trusted to govern and to shape the future of this country; that they are not safe; that some favored class ought to have the control of the Government. This Government denies that to any class, and leaves the whole power in the hands of all the people for their benefit. Every living soul in this country it was intended should share equally the blessings and benefits of the Government. It was thought that the efforts of the wisest and best statesmanship would so direct affairs that each and all should be permitted to participate, and not the favored few.

But these powers have been surrendered to associations of wealth who are no better born than anybody else that I am aware of, and they

are taxing the masses of the people of this country out of the just fruits of their earnings. This has created the results which we now seek to correct, but the people are more restless, more discontented, because your system of monopoly and protection deprives them not only of half of their wages, but of the just measure of employment that belongs to them. One of the great apostles of protection announced not long since that the time was coming when the statesmanship of this country would be called upon to determine how production could be limited instead of finding how markets can be extended. That long and oft promised home market that was to enrich everybody has not appeared, but the result has brought riots and bloodshed and butchery, short time, lock-outs, strikes, lower wages, and richer employers. We are all to live upon one another—the manufacturers to live upon all other producers and all other laborers, and everybody else to live upon him.

If I may be pardoned a homely and rather rough metaphor, to pursue that theory to its logical conclusion is about as unwise as to feed a dog upon his own tail and expect him to grow fat upon it—just about as wise as that.

There is but one policy, and that is to extend our markets to compete with all the manufactures of the whole world, and not only sell agricultural products abroad, but manufactures as well. We are exporting to-day, I believe, about 1 or 1½ per cent. of what we manufacture. Eighty per cent. of all that we do export is made up of agricultural products. And let me tell gentlemen that the time has come when the American laborer, by the influence of railroads, telegraphs, and improvements which have spread themselves over the whole earth, is brought face to face with that long-talked-of pauper labor of the whole world. India, through the Suez Canal, is reaching the markets of the world which formerly took your wheat from the Northwest. That India which exported 40,000 bushels of wheat a few years ago exported more than 40,000,000 bushels last year. They can produce it and lay it down in the markets of consumption cheaper than you can transport it to and across the sea in the near future if our present restrictive policy is adhered to.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. DUNN. Yes, sir.

Mr. MILLIKEN. Will the gentleman tell us how it is that they are able to produce wheat so cheaply in India? Is it not by the cheap labor they have there, and does he want American labor to be reduced to that level?

Mr. DUNN. They are enabled to produce it so cheaply because of cheap labor, cheap living, and cheap taxation, but however it comes we must confront it and compete with it.

Mr. MILLIKEN. What clothes do they wear?

Mr. DUNN. Their condition is bad, wretched, and miserable. Take care that you do not tax your own people into a worse condition. They may take the markets and employments away from our people if we continue to increase the cost of production.

Mr. MILLIKEN. We will protect them from that.

Mr. DUNN. Your protection has brought you riot and bloodshed and poverty, and the squalor which you have heard described in the extracts reads from the Clerk's desk to-day.

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

Mr. DUNN. I can not. I am not an advocate of unconditional free trade. That is not practicable now. But I want to get away from those outrageous war measures of taxation and protection which you adhere to.

Mr. MILLIKEN. Will the gentleman have the goodness to state what his position is?

Mr. DUNN. I do not yield further to the gentleman. I come back to the question under discussion. The gentleman from Ohio [Mr. BUTTERWORTH], the late Commissioner of Patents, was roused to frenzy, and delivered to us here a most admirable commencement oration on the splendors that have resulted from the inventive genius of the world, and especially of this country, that was delightful, and shows his admirable ability for such an address as that. But I think that the office of statesmanship is to consider and ascertain correctly all the resources of the country of every character, for food, for commerce, for industries, for labor, and to so legislate that they shall be kept within reach of every living soul in this country at the lowest possible price and under the most favorable conditions possible.

I want to give to the people of this country the results of inventive genius. While I would give genius its reward in full measure for all its discoveries, and would protect the inventor in all of them, I want to give to mankind the fruits of his invention at the lowest possible rates. Instead of creating one gigantic monopoly, one great manufacturing establishment employing a limited number of hands and taking four or five or ten times the legitimate price that ought to be paid for the invented article, I would put all the laborers in the country at work upon it and would allow all the workshops in the land to be open and in competition with each other for the manufacture of the article; and instead of giving employment to a few hundreds I would give it to all in the country, and give that article to the consumer cheaper by tenfold than it is given to them by that policy which the gentleman advocates. That is what I favor.

I want to place all the necessities of life within the reach of everybody. It is no answer for the gentleman to tell me if people do not want an article they need not take it. That is not the question. The point is, all the people ought to get everything they require at the lowest possible price. I do not favor a policy which makes all the necessities of life dearer, which makes life harder, and the struggle for life more terrible than it already is. You have made it bad enough.

I reserve the remainder of my time.

Mr. KELLEY. Mr. Chairman, I want to express my profound acknowledgments to the gentleman from Arkansas [Mr. DUNN] for having justified me in referring to Grand Master-Workman Powderly as my friend and as my earnest and intelligent collaborer in the cause of protection. It has never been my privilege to meet Mr. Powderly, but I have received through many sources his kind acknowledgment of my services in behalf of the laborers of the country when defending that provision of Republican policy and law to which intelligent laborers look for the maintenance of just compensation for faithful work. I desire also to thank the gentleman for having quoted Mr. Powderly's description of the laborers imported by contract into this country, as it justifies me in saying that against such importations I was among the earliest and have been among the steadiest and most vehement opponents.

Here is the CONGRESSIONAL RECORD of June 19, 1884, which contains the discussion upon the labor bill introduced by the gentleman from Missouri [Mr. O'NEILL] on behalf of the Committee on Labor.

Mr. O'NEILL, of Missouri. Let me correct the gentleman. That bill was introduced by the gentleman from Ohio [Mr. FORAN].

Mr. KELLEY. Well, you were championing it.

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. KELLEY. I am glad to know that we agreed once. [Laughter.]

Mr. Chairman, during the consideration of that bill I begged a few minutes, and in the course of my remarks said:

I have looked upon the misery of the British, French, Belgian, German, and Austrian laborers. I tried during the tariff debate to depict the sufferings of some of them. I was told when I did so that all the ills I had pointed to could be found in this country.

I painfully admit that specimens of them all can be found in this country. The only answer I can make is that they are not general here, as they are elsewhere. They are merely seminal here; there they are in full fruition; there they are not only germinal, but you will find them blooming everywhere you find population at all condensed. It is our duty to guard against their spread while we may. Let us avail ourselves of every means by which we may inspire with hope and ambition the poor foreigners who have come to our shores, or who have been thrust upon them by speculating contractors and have drifted into the tenement houses and cellars of New York and elsewhere. Do not let us permit avarice to add to their numbers. Do not let us gratify the greed of Pole, Italian, or Slav by welcoming to the ranks of our laborers men and women from the worst associations of Eastern and Southern Europe. Do not let us—

I invite to this early utterance the attention of the gentleman from Arkansas who has intimated that I am the creature of capitalists. I wish I had capital invested or deposited, but it could not add to my freedom or independence, for there is no capitalist or combination of capitalists in the country that can put foot upon me or control my opinions or conduct.

Mr. DUNN rose.

Mr. KELLEY. I decline to be interrupted. The gentleman need not shake his Arkansian finger at me. [Laughter.] On the occasion in question, I went on to say:

Do not let us permit grasping capitalists, whether making glass, or coke, or iron, or any other product, to herd together men and women who seem to be without a clear recognition of social or moral distinction between the sexes, if we may judge from their daily life and the manner in which they inhabit indiscriminately their large but unfurnished sleeping apartments. Can we prohibit such immigration? We have the general-welfare clause put at us now and again, and should I fail to find power elsewhere in the Constitution, I would invoke the general-welfare clause in behalf of the laborers of the country.

Sir, I need not ask assent to this doctrine from Arkansas, a State which employs in her manufacturing industries less than one-fifth of less than one-third of 1 per cent. of the manufacturing workmen of the country. They who are arithmeticians may work out the problem for themselves: the proportions are less than one-fifth of less than one-third of either the capital or the employes engaged in manufactures in this country. The gentleman can not contradict it.

Sir, I have been laboring, against Democratic opposition, since 1866 to relieve from duty raw materials imported for manufactures and to relieve our manufactures of the burden of internal taxation. Every tobacco-grower, every tobacco manufacturer, every maker of cigars, cheroots, cigarettes, whether man, woman, or child, is burdened by this Democratic taxation against which I have been battling for twenty years.

Mr. DUNN. Who levied those taxes?

Mr. KELLEY. Who levied them? Why, the "arch-conspirators" against the rebel army, Stanton and Lincoln and a Republican Congress, levied them in order to provide means to maintain the Union and the supremacy of the national flag. [Applause on the Republican side.]

Mr. DUNN. And you—

Mr. KELLEY. I decline to yield. I say, Mr. Chairman, that for twenty years I have striven to relieve the tobacco-grower of Arkansas from this Democratic internal taxation which should have been abolished long ago. For twenty years I have labored, in season and out

of season, to give free alcohol to the arts for the manufacture of drugs, medicines, and varnishes, and in the ten thousand industries of the country into which it enters; but Democratic love of foreign importations has said, "No; tax our corn, as you do now, 90 cents a bushel if we attempt to convert it into liquid; tax our tobacco as you do now, but in God's name keep out factories and workshops from our free country by abolishing protective duties."

They forget they can no longer whip their laborers as they used to do when slavery existed; that labor is now free, and that they may as well let the free laborer of Arkansas be prosperous. They adhere to the doctrine that prevailed when great workshops were justly regarded as dangerous to the institution of slavery. They should remember that that institution ceased to exist nearly a quarter of a century ago.

I find that on January 16, 1866, I said:

My anxiety is not about the debt. It is that the taxes it involves shall be as little oppressive as possible and be so adjusted that while defending our industry against foreign assault they may add nothing to the cost of those necessities of life which we can not produce and for which we must therefore look to other lands. The raw materials entering our manufactures, which we are yet unable to produce, but on which we unwisely impose duties, I would put into the free-list with tea, coffee, and other such purely foreign essentials of life, and would impose duties on commodities that compete with American productions, so as to protect every feeble or infant branch of industry and quicken those that are robust. I would thus cheapen the elements of life and enable those whose capital is embarked in any branch of production to offer such wages to the skilled workmen of all lands as would steadily and rapidly increase our numbers; and, as is always the case in the neighborhood of growing cities or towns of considerable extent, increase the returns for farm labor. This policy would open new mines and quarries, build new furnaces, forges, and factories, and rapidly increase the taxable property and taxable inhabitants of the country.

I would like to know—I would like the gentleman from Arkansas to give me a categorical answer to the question whether the average wages of a laboring woman in Arkansas are like those that were earned by the little girl an account of whose death he caused to be read—a dollar a day? She was but a child; she was working under the "oppression" of the tariff system, but her wages were more than have ever been given as an average to any laboring woman in Arkansas.

Mr. DUNN. I will answer the gentleman, of course, as he asks me a question. The wages of a laboring woman in Arkansas depend altogether upon which woman it is and what she is doing; but—

Mr. KELLEY. I ask the average wages.

Mr. DUNN. But more than half her wages are robbed from her today by a protective system which doubles the cost of living. [Derisive cries on the Republican side.]

Mr. KELLEY. Sir, I shall have occasion to show what the industry of Arkansas is. I shall have an opportunity to show how many workshops she has, how many people she employs in them, what wages she pays. There is not a woman in the State who ever consecutively for a month received the wages that were paid to that poor, little, overworked girl—a dollar a day.

Mr. DUNN. What is the gentleman's authority for that statement?

Mr. KELLEY. My authority is the United States census and the patent facts of the case—the poverty of the dwellers within that magnificently endowed region known to the world as the State of Arkansas. [Applause on the Republican side.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Six minutes.

Mr. KELLEY. I will reserve that. I want a little rest.

Mr. DUNN. I yield the remainder of my time to the gentleman from Tennessee [Mr. McMILLIN].

The CHAIRMAN. The gentleman from Arkansas [Mr. DUNN] has eight minutes remaining.

Mr. McMILLIN. Mr. Chairman, one would suppose from the speech of my distinguished friend from Pennsylvania [Mr. KELLEY] that a good deal of the fatigue of which he now complains was the result of exertion to get rid of the internal-revenue system. It is well for us to recur in this connection to the history of legislation on this subject. The system was inaugurated by the party of which the gentleman is a member.

Mr. KELLEY. It could not help it, having a war on its hands.

Mr. McMILLIN. "Having a war on its hands!" If the gentleman pleads war and the extremities of war, I will go to another time when there was no war raging. I speak of a period eighteen years after the war closed. After his party had lost control of the House of Representatives and had been out of power for years they were restored to power in the Forty-seventh Congress. They had the House, they had the Senate, they had the Executive. For years we had been listening to speeches from the gentleman from Pennsylvania of exactly the same tone as that which has rung out here to-day. For years he had complained that the Democratic House would not recommend a repeal of the internal-revenue system. For years he had said that it was a system of oppression; for years he had said it was an outrage to continue it; for years he said that its continuance was incompatible with the best interests of the country. When his party organized the House and came into full power that distinguished gentleman [Mr. KELLEY] was made chairman of the Ways and Means Committee. He thereby held the authority to say whether or not the internal-revenue system should continue. After he was elected and after his party was in power he had stated on this floor that the internal-revenue system

ought to be repealed. Yet when the test came, when the power was in his hands, and his sworn duty was to conserve the best interests of the country, he came before this House and refused to recommend any such measure, but, on the contrary, said that his caucus had determined otherwise, and he would obey the caucus. [Applause on the Democratic side.]

Mr. KELLEY. I ask the gentleman in one minute whether I did not report a bill—

Mr. McMILLIN. I have but little time.

Mr. KELLEY. Very well. I ask the gentleman whether I did not report a bill repealing internal-revenue taxes, and whether—

Mr. McMILLIN. I can not yield further.

Mr. MORRISON. The gentleman brought in a bill to repeal the tax on banks.

Mr. McMILLIN. The gentleman reported a bill to repeal the tax on banks and to reduce certain internal-revenue taxes, but I never heard, and the country never heard, of a single officer that he complained of as an engine of oppression being cut off. [Laughter and applause.]

Mr. KELLEY. I had no support in the Democratic or Republican party.

Mr. McMILLIN. The gentleman's party was in full power. Whose fault was it if he had no support? What more? He reported a bill to repeal the tax on certain cosmetics, to repeal taxes on banks, and to reduce the tax on playing-cards, but leaving it on Bibles. [Laughter and applause on the Democratic side.] That is the history of the whole business.

Now, sir, when the Democratic party is to be blamed I want all who are fairly deserving of a share of the blame to bare their shoulders, take it, and to stand to it. [Applause.]

Mr. KELLEY. If I could have had Democratic support then against my own party I would have repealed the internal-revenue taxation.

Mr. McMILLIN. But the gentleman came and notified us that Democratic aid would not be accepted, because he said his caucus determined otherwise, and he would stand by his caucus, Democrats to the contrary notwithstanding. [Laughter and applause.] When the proposition came before the House to repeal the internal-revenue taxes, or to reduce them to an extent beyond the recommendations of the gentleman's bill, the gentleman must not be remembered as one who voted for the amendment and for the reduction.

Mr. KELLEY. Who made such a demand? Who moved such an amendment? If one was submitted I supported it.

Mr. McMILLIN. I know the gentleman does not like to share this responsibility in connection with his utterances to-day, but in what I have said I only wanted to call attention to the facts of history, and was determined they should be made known.

Now, Mr. Chairman, no man reveres my distinguished friend from Pennsylvania [Mr. KELLEY] more than I do, but I will not, after having heard him for years revile against the internal-revenue system, and seen him with power in his hands, and seen him refuse to use it to secure the repeal, I will not, I say, take all the responsibility for keeping that system up when it justly belongs to him. [Laughter and applause.]

Mr. KELLEY. I must say I have never seen an instant in which I had the power in my hands.

Mr. SPRINGER. Let me inquire of the gentleman from Pennsylvania whether he did not vote through the tellers against taking the tax off tobacco in the Forty-seventh Congress?

Mr. KELLEY. I never voted against taking the tax off tobacco.

Mr. SPRINGER. I saw the gentleman go through the tellers and vote against taking off the tobacco tax.

Mr. KELLEY. When you wanted to allow your favorites to sell 100 pounds without restriction—

Mr. SPRINGER. The gentleman went through the tellers and voted against the proposition. I saw him do it.

Mr. McMILLIN. I regret I can not yield to these interruptions further, because I have but a moment more time.

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor.

Mr. McMILLIN. What has been complained of by the country, Mr. Chairman, in connection with the internal-revenue system was its oppressive administration and its large number of officers. While the internal-revenue taxes were reduced by the gentleman's party in the Forty-seventh Congress, and on his recommendation as chairman of the Committee on Ways and Means, they never got rid of a single bit of the obnoxious machinery, not a particle of this oppression of administration. Now, sir, the surplus annually is less than the internal-revenue taxation, from thirty to fifty millions of dollars less; and when the gentleman stood here confronted with the fact that when he repealed the internal-revenue taxes he must place an additional tax on coffee or something else he did what every statesman was bound to do, he hesitated to make that reduction and to place with it the tax on coffee. [Applause.]

Mr. KELLEY. The record shows otherwise.

The CHAIRMAN. The gentleman's time has expired.

Mr. MARTIN. I take the floor now, Mr. Chairman, and I move that the committee rise for the purpose of closing general debate.

Mr. KELLEY. I believe I have six minutes of my time remaining. I desire to ask any gentleman—

The CHAIRMAN. The gentleman from Alabama has submitted a privileged motion, that the committee rise for the purpose of closing debate.

Mr. KELLEY. I want simply to ask—

Mr. MARTIN. I will withdraw my motion that the committee rise.

Mr. KELLEY. I want simply to ask the members of the Committee of Ways and Means whether any Democratic member of the present Committee of Ways and Means favors the repeal of the internal-revenue taxes?

Mr. MORRISON. I think not. [Laughter and applause.]

Mr. BAYNE. Mr. Chairman, the gentleman from Arkansas has charged that the strikes and the labor troubles in this country arise from high taxation. To my mind these strikes arise from the intelligence of the working masses of this country. The efforts on the part of the workingmen themselves to better their condition by reason of their intelligence give rise to these strikes and other movements seeking to accomplish the same end on their part throughout the United States. You hear of none of these things in China, where the laboring classes have not the intelligence which moves them to seek their amelioration and raise themselves from their pauperism.

Mr. DUNN. And that is the result of Chinese protection, is it not?

Mr. BAYNE. It is not a question of taxation. It is a question of intelligence. Why, sir, in free-trade England but a short time ago twenty thousand men marched through the streets of London in demonstration of their intentions to improve their condition.

You hear of such demonstrations only in those countries, and emphatically in the United States, where labor is intelligent and educated. You do not hear of them in Arkansas, where labor is not educated.

Mr. DUNN. Let me ask the gentleman—

Mr. BAYNE. No, sir; you declined to yield to me even for a moment, and I shall not yield to you.

You do hear of strikes among the intelligent workmen of Pennsylvania. Our working people there are well off. In my own county of Allegheny the workingmen own more property and represent more wealth than the entire State of Arkansas.

The gentleman talks about the strikes being the result of poverty and taxation. Why, I repeat, in China, among its pauper population, there are no strikes. Its people are ignorant and poor.

Mr. DUNN. Yes, and that labor has been reduced to that condition of pauperism by centuries of protection amounting to absolute prohibition.

Mr. BAYNE. I hope I will not be interrupted.

I say wherever you have educated men, thinking men, you will find men who are seeking to better their condition. You will find men who agitate the labor question for their own protection against low and unjust wages.

Now, sir, the gentleman has called attention to a colony of Hungarians in the western part of Pennsylvania. What has that to do with this question? It is a transplantation from Europe.

Mr. DUNN. By protectionists.

Mr. BAYNE. Mr. Chairman, I must ask the protection of the rules of the House against these constant interruptions, or else I shall ask for more time if this thing is to go on.

Mr. HENDERSON, of Iowa. Now the "galled jade" winces on that side. [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania declines to be interrupted.

Mr. BAYNE. That colony in Western Pennsylvania represents all the essential elements of European labor and that class of European civilization which is represented by its working people.

These free-trade laborers were imported into this country under the contract system and against the protest of Pennsylvania and Pennsylvanians, as every vote will show that has ever been recorded upon the subject by Pennsylvanians in Congress.

Mr. DUNN. But not against the protest of Pennsylvania manufacturers.

Mr. BAYNE. It represents an essentially foreign element and foreign methods; an element that is as foreign to our United States as that represented by the Chinese in San Francisco, which illustrates the Chinese mode of living and Chinese civilization.

But, sir, you go among the workingmen of Pennsylvania east and west throughout all of the limits of that broad Commonwealth, and you will find an educated class, a thrifty class. You will find them owning property, having deposits in the savings-banks of the State. You will find among them intelligence and cultivation, and you will find them equal to any class of the people throughout this great Union in any section of our common country.

Mr. MCADOO. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. MCADOO. This discussion is not germane to the subject-matter of the bill under discussion. I make this point of order because I understand that eighty gentlemen have signified their intention of discussing the tariff in the regular manner, and I object to the introduction in

this way of the debate, thereby giving gentlemen an opportunity in advance of those who are entitled to be heard upon the question.

Mr. CUTCHEON. I do not wonder the gentleman objects.

Mr. BAYNE. The galled jades are wincing on the other side.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. MCADOO. I ask a ruling on the question of order.

The CHAIRMAN. The Chair will call the attention of the gentleman from Pennsylvania to the point of order, and he will confine himself to the subject.

Mr. BAYNE. Mr. Chairman, I venture to say that in the county of Allegheny, where I live, there are more wages paid to labor in one year than are paid in three years in the whole State of Arkansas. In that county there were paid in one year over \$22,000,000 to the workingmen; and in one bank in that county there are deposits of \$9,000,000, a large proportion of which deposits are owned by the workingmen of the county. They own their own houses. They can strike to better their condition, and they can sustain their strikes; and in the struggle with monopolists and against combined capital they are holding their own; and under the leadership of a man like Mr. Powderly, whose prudent counsels and wise course is commended by all thinking people all over the country, they are achieving better conditions and results every day for themselves. The condition of these men in that State, their prosperity in Pennsylvania, is attributable to this law of protection which the gentleman from Arkansas has berated and traduced as resulting in the oppression of the people in different sections of the country.

I have said that the county of Allegheny, in Western Pennsylvania, pays more in wages in one year than the whole State of Arkansas does in three years. I now have the figures. The census of 1880 shows that the total amount paid in wages in Arkansas during the year was \$925,328, while in Allegheny County there was paid a total for the year of \$22,371,951 and in the State of Pennsylvania over \$134,000,000.

The average paid to hands in Arkansas is about \$195 per year, while the average in Allegheny County is over \$450.

And the people of Pennsylvania not only pay good wages, but they are educated. I find in the census that in Arkansas in 1880 there were 97,990 native whites—mark you, native whites; not colored persons or foreigners—above ten years of age who could not write—about 25.5 per cent. of the population. In Pennsylvania there were but 123,206 of native whites who could not write, or 4.8 per cent.

So it is easy to see how things go in Pennsylvania as compared with Arkansas. [Applause.]

[Here the hammer fell.]

Mr. MARTIN. I move that the committee rise for the purpose of obtaining an order from the House to limit debate.

Mr. SPRINGER. I ask unanimous consent that general debate on this bill be closed.

There was no objection.

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

Mr. LOVERING. Mr. Chairman, what is the bill? [Laughter.]

The CHAIRMAN (having put the question). The "ayes" have it.

Mr. ANDERSON, of Kansas. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON, of Kansas. I addressed the Chair before the question was put for the purpose of inquiring whether the amendment offered by the gentleman from Pennsylvania was adopted. I had that right as a member of the House.

The CHAIRMAN. The Chair will state no amendment was offered by the gentleman from Pennsylvania. The only amendment to the bill was the amendment submitted by the committee.

Mr. ANDERSON, of Kansas. I call for a division on this vote.

The committee divided; and there were—ayes 120, noes 33.

So (further count not being called for) the bill was laid aside to be reported to the House with a favorable recommendation.

The committee informally rose, and the Speaker resumed the chair.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

- A bill (H. R. 1393) granting a pension to Silas S. White;
- A bill (H. R. 1406) granting a pension to Simmons W. Harden;
- A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
- A bill (H. R. 2145) for the relief of Rebecca Eldridge;
- A bill (H. R. 3921) granting a pension to Richard Gear; and
- A bill (H. R. 5254) to increase the pension of George W. Smith.

DEFICIENCY APPROPRIATION BILL.

Mr. ADAMS, of New York, from the Committee on Appropriations, reported a bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. McMILLIN. I reserve all points of order on this bill.

The Committee of the Whole resumed its session.

HENRY MARTIN.

The next business on the Private Calendar was the bill (H. R. 1418) for the relief of Henry Martin.

The bill was read, as follows:

Be it enacted, &c., That Henry Martin, of Seward County, Nebraska, or his legal representatives or assigns, may select and shall be allowed a patent for 80 acres of the unoccupied and unappropriated public lands of the United States in the State of Nebraska, not mineral in character, and in tracts not less than the subdivisions provided for in the United States land laws, and if unsurveyed when taken, to conform when surveyed to the general system of the United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Martin, or his legal representatives, in accordance with the provisions of this act, which scrip shall be received in payment for said land.

Mr. SPRINGER. I ask that the report may be read.

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

The Committee on Private Land Claims, to whom was referred the bill (H. R. 1418) for the relief of Henry Martin, respectfully submit the following report: Henry Martin made homestead entry No. 15209, at Lincoln, Nebr., December 15, 1874, of the E. $\frac{1}{2}$ SW. $\frac{1}{4}$, and W. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 2, T. 11 N., R. 4 E., containing 160 acres. It appears that Martin's entry to the W. $\frac{1}{2}$ SE. $\frac{1}{4}$ was erroneously allowed by the register and receiver, as the same was embraced in a prior entry. The fact that the 80 acres had been embraced in a prior entry was unknown to Martin, and it was selected by him in good faith and upon the assurance of the register and receiver that the land was vacant and unappropriated public land.

Martin, immediately upon making said entry, took possession of the land, erected a house and made valuable improvements, and made it his home. Sixteen months after the entry and occupation of the land he was advised by the Commissioner of the General Land Office that his entry was held for cancellation to the extent of said 80 acres, and he was allowed to retain the E. $\frac{1}{2}$ of SW. $\frac{1}{4}$, Sec. 2 (80 acres), as his homestead, or have his entire entry canceled and be allowed to make a new entry.

The land, in the time intervening between his entry and his receiving information that the register and receiver had made an error in allowing his entry of said 80 acres in conflict, had all been taken up for miles beyond this tract upon which he had made his home and improvements.

Martin was a poor man, who had lost his leg while in line of duty as a Union soldier during the late war (as a private in Company A, Eighth New Jersey Volunteers).

Every dollar he had was invested in this land, and it was a matter of impossibility for him and his family to leave their home and commence anew. He therefore remained on the 80 acres which were not canceled.

Martin subsequently applied for permission to make an additional entry. This application was denied, as his entry was made after the Revised Statutes took effect.

Martin has continuously endeavored from that time to this to secure an additional entry of 80 acres, but has been informed by the Land Office that his only remedy would be relief by special act.

This is a meritorious case. Martin has, through no fault of his, but by reason of an error of the officers of the land office, been deprived of the right to letters patent for 160 acres, to which he would have been entitled had no error been made by the local officers. He is a crippled soldier, with a large family, who are dependent upon his labor for support. He therefore asks simply justice, namely, that he be granted scrip to the amount of 80 acres, which he may locate upon any of the unappropriated public land in the State of Nebraska which is not mineral in character.

The committee recommend that the bill do pass.

Mr. SPRINGER. I offer the amendment which I send to the desk. The Clerk read as follows:

In line 6, after the word "Nebraska," insert the words "subject to entry."

Mr. SPRINGER. This amendment is acceptable to the gentleman from Nebraska [Mr. LAIRD], who introduced the bill.

The amendment was adopted.

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

J. M. ENGLISH.

The next business on the Private Calendar was the bill (H. R. 2244) for the relief of J. M. English, the administrator of the estate of Richard Fitzpatrick, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to J. M. English, administrator of the estate of Richard Fitzpatrick, deceased, \$12,000, out of any money appropriated for the payment of judgments of the Court of Claims; that amount being found due and allowed to Richard Fitzpatrick, during his lifetime, by the Court of Claims, as compensation for the use and occupation of his property by the United States Government.

Mr. TRIGG. This is a bill to provide for the payment of a judgment of the Court of Claims. It is the unanimous report of the Committee on Claims of this House. It was also unanimously reported by the Committee on Claims last session. I do not think it is necessary to make any statement unless some gentleman has any objection to urge against the bill.

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

RELIEF OF LIGHT-HOUSE EMPLOYÉS.

The next business on the Private Calendar was the bill (H. R. 190) for the relief of certain employés and others of the twelfth United States light-house district; reported by Mr. MCKENNA from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$18,465.65, in payment of certain claims against the United States Government not heretofore paid because of the defalcation and

forgeries of John T. Best, late clerk of the engineer of the twelfth light-house district, and due the several claimants as follows: Employés at Point Conception light, \$3,784.70; Miguel Ortega, \$478.14; Charles Ashton, \$270; Pigeon Point light station, \$980.99; sundry small bills, \$1,200.95; Martin and P. B. Murphy, \$10,000; O. B. Shaw, \$1,748.87.

Mr. FELTON. This bill is simply to pay an indebtedness of the United States incurred four years ago to certain employés, mechanics, and laborers in the twelfth United States light-house district. It has been examined by three different commissions of the Light-House Department, and I have in my hand the report containing the recommendation of each commission that this bill be passed, and stating that there is no question whatsoever of the indebtedness and that the money ought to be paid. I do not desire to take up the time of the House in having the report read, but it can be read if any gentleman desires it.

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

PATTISON & CALDWELL.

The next business on the Private Calendar was the bill (H. R. 1813) for the relief of Pattison & Caldwell.

The bill was read, as follows:

Whereas it is represented that in an attempt to extinguish the fire by which the distillery of Pattison & Caldwell, located at Hamilton, Ohio, was destroyed, water was thrown into, ran into, and become intermixed with certain distilled spirits then in the drawing-off cisterns in the cistern-room of said distillery; that by reason of said intermixture said spirits were reduced twenty degrees below proof; and that, under that provision of law by which a tax of 90 cents is imposed on each and every wine-gallon of distilled spirits when below proof, said Pattison & Caldwell were required to pay, and did pay, internal-revenue taxes upon said spirits to the amount of \$510.30 in excess of the sum they would have been required to pay thereon had there been no such intermixture: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Pattison & Caldwell so much, not exceeding \$510.30, as it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue they have paid as internal-revenue taxes on said spirits in excess of what they would have been required to pay thereon had there been no such intermixture of water and reduction of proof.

Mr. BROWN, of Ohio. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. Is there any recommendation of the bill from the Internal-Revenue Bureau?

Mr. BROWN, of Ohio. The report might as well be read. It embodies the recommendation of the officers of the Department.

Mr. KING. Is this bill reported favorably by the committee which had the matter in charge?

The CHAIRMAN. The bill is favorably reported by the committee. The Clerk will read the report:

The report (by Mr. BROWN, of Ohio) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1813) for the relief of Pattison & Caldwell, have considered the same, and respectfully report:

That the bill is the same as Senate bill 956 of the Forty-eighth Congress, which received a favorable report (No. 356) from the Committee on Finance; which report, after careful consideration by this committee, is adopted as its own, and is as follows:

That the bill, together with the accompanying papers, was submitted to the Secretary of the Treasury, and by him referred to the Commissioner of Internal Revenue. In view of the facts set forth in the letter of the Commissioner, which is appended hereto and made a part of this report, the committee recommend that the relief be granted.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 8, 1884.

SIR: I have the honor to return herewith the letter and inclosures of Hon. Justin S. Morrill, chairman of the Committee on Finance, United States Senate, addressed to you and by you referred to me for report. Mr. Morrill incloses a copy of Senate bill 956 for the relief of Pattison & Caldwell, and papers relating thereto, and asks that you will direct the proper officer of your Department to report the facts, and also his views as to the propriety of granting the relief.

Senate bill No. 956 recites the circumstances of the destruction of the distillery of Pattison & Caldwell by fire, when water thrown upon the burning building ran into the spirit cisterns and became intermingled with the spirits therein so as to reduce the same twenty degrees below proof, and the tax of 90 cents was exacted as required by law on each wine gallon of said spirits, and proposes to authorize and direct the Secretary of the Treasury to pay to said Pattison & Caldwell so much, not exceeding \$510.30, as it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue they have paid as internal-revenue taxes on said spirits in excess of what they would have been required to pay thereon had there been no such intermixture of water and reduction of proof.

I have the honor to report as follows:

The records of this office show that the distillery of Messrs. Pattison & Caldwell was destroyed by fire March 18, 1883; that the contents of the receiving cisterns were damaged and reduced below proof by water from the fire-engines; that the spirits so damaged and reduced below proof were drawn off and warehoused on the 28th of March, 1883, the gauger's report showing 2,899 wine and 2,319.20 proof gallons, and that they were withdrawn and the tax paid on the number of wine gallons, 2,899, April 19, 1883. Had the tax been collected on the proof gallons only it would have been collected on 2,332 gallons, the difference between this and 2,319.20 being made by the fractions of over one-half. The difference between the number of wine and taxable gallons was therefore 567 gallons, the tax on which, at 90 cents per gallon, is \$510.30.

I am of the opinion that the bill (S. 956) is an equitable one, and that a bill of this nature should become a law.

Very respectfully,

WALTER EVANS, Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

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

E. J. PHILLIPS.

The next business on the Private Calendar was the bill H. R. 5553; which was read, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized and directed to settle and adjust the accounts of E. J. Phillips, postmaster at Oberlin, Ohio, and credit him in said settlement with the sum of \$2,114.89, the same being for United States postage-stamps of the value of \$1,837.64, and money-order funds amounting to \$277.25, lost by a burglary, without any fault or negligence of the postmaster.

Mr. BROWN, of Ohio. Mr. Chairman, this bill is reported in pursuance of the recommendation of the Post-Office Department. An investigation of the matter has shown that the postmaster was in no way at fault. I therefore move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CANNON. Will the gentleman allow me a question before that motion is put?

Mr. BROWN, of Ohio. Yes, sir.

Mr. CANNON. If it be true that this postmaster was without fault in relation to the loss of these stamps, why is he not relieved under the general law passed some years ago?

Mr. BROWN, of Ohio. He could be relieved so far as the stamps are concerned; but there are some other items as to which he could not be relieved under the general law, and the Department recommended this course.

Mr. CANNON. Then this does not apply to relief for the stamps?

Mr. BROWN, of Ohio. Yes. The Department recommends that he be credited for both in this way.

Mr. WARNER, of Missouri. If I may be pardoned, I will say, in reply to the gentleman from Illinois, that under the general law the Department has no authority to act in a case where the amount exceeds \$2,000.

Mr. BEACH. Does this case exceed \$2,000?

Mr. WARNER, of Missouri. It does.

Mr. GEDDES. I will say to the gentleman from Illinois [Mr. CANNON] that I presented this matter in person at the Department, and was willing, on behalf of the postmaster concerned (who resides at Oberlin, Ohio, in my district), to waive or lose the odd \$124, or whatever the exact amount was, and I made that suggestion; but the Department declined it, saying that he ought not to lose any portion of the money, and that the account ought to be made correct on the record, and the Department advised this course. I then filed a bill in the last Congress, which was favorably reported by the committee but was not reached on the Calendar.

Mr. CANNON. Yes; but is there any reason why at least as to the stamps lost the Department should not give him the necessary relief under the law now in existence?

Mr. GEDDES. The law officer of the Department has decided otherwise.

Mr. CANNON. On what ground?

Mr. GEDDES. Well, he had his own judgment about it, and declined very positively to act, and advised him to come here.

Mr. CANNON. Then the trouble about the matter is this, I fear: that the special agent does not make a report which brings this case within the general law.

Mr. GEDDES. Oh, I assure the gentleman from Illinois that there is no trouble of that kind about it. The Department found the case in all respects meritorious, and it was only on the purely technical ground that they could not give this relief under the law that they declined to give relief, and advised this method.

Mr. WARNER, of Missouri. On the ground that they could not give relief where the amount exceeded \$2,000?

Mr. GEDDES. Yes.

Mr. CANNON. Well, but the stamps lost, I understand, did not amount to \$2,000.

Mr. GEDDES. No.

Mr. CANNON. Then there is certainly no reason why the Department should not grant relief to the extent of the value of the stamps lost. The only object I have in asking these questions is that I fear, from the circumstances of the case, that this postmaster is not entitled to relief on account of some carelessness on his own part.

Mr. GEDDES. Oh, not at all. I wish I had here the letter from the Post-Office Department on the subject; I would read it to the gentleman from Illinois, and he would see that the postmaster is wholly and entirely faultless in the matter, as shown by an official investigation.

Mr. WARNER, of Missouri. If the gentleman will pardon me again, I will state, as a member of the Committee on Claims, that we have never passed on any claim of this character until we have received a letter from the Department showing that the loss occurred without neglect or fault on the part of the postmaster; and that was the case in this instance.

Mr. GEDDES. That is the case, and that was the decision of the Department, and they would willingly have given the necessary relief if they could have done so under the law.

Mr. CANNON. Then, Mr. Chairman, I understand it is agreed on all hands that up to \$2,000 there is authority in the Department under

the general law to grant relief, and I understand that the stamps did not amount to \$2,000. Yet, notwithstanding this clear authority to relieve, the Postmaster-General, through his representative, sends this claimant to Congress. Now, if all that be true, the Department itself ought to be reformed.

Mr. GEDDES. I will not stop to debate that question now. If you will just let this bill pass and let this man be relieved, we will reform the Department hereafter.

Mr. WARNER, of Missouri. If the gentleman from Illinois will aid the Committee on Claims, there is a general bill now reported from that committee to reform this very thing.

Mr. CANNON. Mr. Chairman, if it were not that I know from what the gentleman from Ohio [Mr. GEDDES] and the gentleman from Missouri [Mr. WARNER] both have said, that they have investigated this matter, I should say there was a "nigger in the wood-pile."

Mr. GEDDES. Not at all. It is all perfectly white.

Mr. CANNON. I am willing to take the assurance of the gentleman on that point.

The report (by Mr. BROWN, of Ohio) was read, as follows:

The Committee on Claims, to whom was referred the bill H. R. 5687 in the Forty-eighth Congress, considered the facts in this case, and made report thereon, which your committee adopt as their report, as follows:

"From the papers filed in this case it appears that on the night of the 2d day of May, 1882, the post-office at Oberlin, Ohio, was entered by burglars, the safe blown open, and postage-stamps of the value of \$1,837.64, and money-order funds amounting to \$277.25, were stolen therefrom. The Post-Office Department examined the case, and report that the loss resulted from no fault or negligence of the postmaster, E. J. Phillips, but that he seems to have exercised all the care and diligence in the premises that could be required. The said sum of \$277.25 has been paid by Phillips to the Department; the said sum of \$1,837.64 has not been paid to the Department, but stands as a charge against Phillips. The Department recommends that the said Phillips be allowed a credit of \$2,114.89, being the aggregate of the two sums last named. The bill provides for the payment of said sum to E. J. Phillips, the postmaster; but as he has only paid \$277.25, and is charged with the balance, \$1,837.64, your committee report a substitute for the bill submitted, which substitute provides that the Postmaster-General be authorized to credit the accounts of E. J. Phillips with the said sum of \$2,114.89 in settling his accounts.

"The committee recommend the passage of the substitute."

Your committee therefore recommend the passage of the accompanying substitute reported by this committee.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PAY OF FORMER HOUSE EMPLOYÉS.

Mr. HENDERSON, of Illinois. I ask unanimous consent that the Committee of the Whole now take up for consideration the bill which I send to the desk—a bill for the relief of some persons who have been employés of the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the following specified sums to the persons herein named, for services rendered as laborers in the employ of the House of Representatives of the Forty-fifth Congress, namely:

To Beaufort Lee, the sum of \$180.

To Alexander Thomas, the sum of \$260.

To James Hall, the sum of \$260.

To Charles Carter, the sum of \$260.

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] asks unanimous consent that this bill be taken up at the present time for consideration. Is there objection?

Mr. KING. In what Congress were these persons employés of the House?

Mr. HENDERSON, of Illinois. I think in the Forty-fifth. This bill is the unanimous report, I believe, of the Committee on Claims.

Mr. BLAND. Reserving the right to object, I wish to inquire how it happens that these persons have not been paid heretofore.

Mr. HENDERSON, of Illinois. I do not know how it has happened, but this claim has been made from time to time as I know; and it is now, I understand, reported unanimously from the Committee on Claims.

Mr. BLAND. Is it for services actually rendered?

Mr. HENDERSON, of Illinois. It is for services actually rendered.

The CHAIRMAN. Is there objection to the present consideration of the bill? The Chair hears none. The Clerk will read the report.

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

The Committee on Claims have had under consideration the petition of Beaufort Lee and others, and report the accompanying bill and recommend its passage for the following reasons:

Said petitioners appear to have been laborers employed by the Forty-fifth Congress, and to have been paid only \$1 per day for their services, while the usual rate of compensation was \$2 per day. Your committee think these men ought to receive the usual compensation for such services, namely, \$2 per day during the time indicated in the following statement:

Forty-fifth Congress, recess between March 4 and December 4, 1877.

Beaufort Lee worked 180 days, at \$2.....	\$360
Received, at \$1 per day.....	180

Due.....	180
----------	-----

Alexander Thomas worked 260 days, at \$2.....	520
Received, at \$1 per day.....	260

Due.....	260
----------	-----

James Hall worked 260 days, at \$2.....	520
Received, at \$1 per day.....	260
Due.....	260
Charles Carter worked 260 days, at \$2.....	520
Received, at \$1 per day.....	260
Due.....	260

A discussion was had touching the employment of these men in the House of Representatives at the time they were allowed the \$1 per day, which is to be found on pages 246, 247 of the CONGRESSIONAL RECORD, second session Forty-fifth Congress, under date of December 15, 1877.

Mr. HENDERSON, of Illinois. I move that this bill be laid aside to be reported favorably to the House.

Mr. CANNON. Before that motion is put I wish to say a word. I understand from the reading of the report that this is a bill from the Committee on Claims to double the pay of certain employes of the Forty-fifth Congress. I suspect from listening to the report that it is a just bill; but I can not let it pass without calling attention to the fact, which I have no doubt an examination of the discussions in that Congress will show, that these people were cut down to the rate which they actually received through the determination of the Democratic party, then controlling the House, to carry out their loudly proclaimed policy of economy and reform.

This is the Forty-ninth Congress; and, according to my recollection, since the Forty-fourth and the Forty-fifth Congresses, when this magnificent party under the leadership of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN] was making its magnificent record of economy and reform, there has not been a Congress when bills of this kind have not come in from the Committee on Claims to pay the employes of the Forty-fourth and Forty-fifth Congresses what should have been paid to them at that time. We Republicans, in the minority at that time, told you that you were not sincere, that your pretense of economy and reform was a cheat, that bills of this kind would come in for five and ten years afterward, appealing for justice in behalf of these people whose pay had been refused under your then policy, and that, as the years rolled round, you would give them this pay which had been denied them.

Now, I do not make these remarks to antagonize this bill; but having sat in this House through the Forty-fourth and the Forty-fifth Congresses and seen these tricks played year after year, having heard the statesmanlike professions of economy on the other side of the House and seen you vote substantially as a unit under the lead of the gentlemen I have indicated, I can not now, in this Forty-ninth Congress, when years have passed and the prophecies we then made have come true, let this bill become a law without calling attention to the fact that our prophecies are now being verified and that the gentleman from Pennsylvania, the gentleman from Indiana, and my colleagues from Illinois sit here and allow their injustice of eight and ten years ago to be rectified after they have postured before the country as economists by withholding a just compensation for services rendered the Government.

Mr. MORRISON. I do not know what the exact facts may be as to the items of expenditure about which my colleague [Mr. CANNON] has just spoken. He was always apparently in entire accord with the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN], with whom he has served on the Committee on Appropriations during many successive Congresses.

Mr. CANNON. I had not the honor to be a member of that committee at that time.

Mr. MORRISON. I am now, or was a moment ago, talking of what happened when you were on the committee helping to economize. It is true that only two days ago my colleague did support an increase of appropriation—a very small one—on the consular and diplomatic appropriation bill; that is to say, he opposed it in a speech and voted for it afterward. [Laughter.]

Mr. CANNON. I said I would vote for it, as the gentleman will see if he will do me the honor to read my remarks.

Mr. MORRISON. I had the pleasure of listening to him, and now do the gentleman the honor to cause to be read a paragraph from his remarks.

Mr. CANNON. It is good reading.

Mr. MORRISON. Yes; very good reading. Better than the facts. The Clerk read as follows:

Mr. CANNON. And you Democrats say that it is an economical administration. Yet I find a very clever gentleman appointed to Constantinople—you all understand who; he has had long years of service on the floor of the House, and the first thing that is done when this administration comes into power is to pay him a salary as minister at Constantinople of \$10,000 a year, whereas under the Republican administration the minister at Constantinople only received \$7,500 per annum.

Mr. MORRISON. Now, my colleague, in these remarks conveyed, perhaps unintentionally, to the House and to the country the impression that since this administration came into power and since Mr. Cox had gone to Constantinople we had increased his salary and were paying him \$2,500 more than was paid under the former administration to the Republican representative at that court. But the gentleman must have known that that increase was made under the last administra-

tion. I think the increase of salary had its inception at the other end of the Capitol. It was made by the last Congress and had the approval of President Arthur.

The gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] whom my colleague so sharply criticised, and who, with him, were on the committee when this increase was made, happened to be out of their seats when he was making his criticism of this item of appropriation; I therefore had this paragraph read.

It may be my colleague, with whom I seldom disagree because he is always economical and nearly always just, is again giving out a wrong impression. I thought it barely possible he might have been as far off from the facts in what he has just said of the items of this bill, their origin and the reasons why they are here, as he was when he was giving out or leaving the impression on the country that \$2,500 was added to this salary under this administration. [Laughter.]

Mr. CANNON. In reply to the gentleman from Illinois, my colleague, I have to say I stand by the remarks I made and which he heard. If he wants the facts, as I understand them, touching the increase of the salary of our minister to Constantinople I will say to him that the consular and diplomatic appropriation bill passed through the House last March, if I recollect aright, for \$7,500. By some means, I know not what, but I certainly suspect what the means were, that salary was taken out from among all the others and increased by an amendment of the Senate to \$10,000 a year. It came back to a Democratic House, and finally when the bill passed with the salary, \$10,000, for the minister at Constantinople, it received the vote of that side of the House as well as of this side of the House, and it was so written into the law. That was about three days before President Cleveland was inaugurated. After his inauguration the present minister was appointed to Constantinople at \$10,000 a year, where he has been from that time to now.

Again, you come in and recommend in this Democratic House, when you have full possession of the administration, of the House, and the President, that same increase of \$10,000, thus putting the stamp of your approval on it. [Applause.] And more than that, you added \$800 increase for a steam-launch.

Mr. MORRISON. And you voted for it.

Mr. CANNON. I said I would find no fault with the committee if it were needed; and a Democratic Secretary of State said it was needed, and you said on that side of the House by your votes that it was needed. I am always ready to make any proper increase for service to the Government, and this to whoever may be President. Can our Democratic friends say as much? This is all I have to say.

Mr. HISCOCK. Will the gentleman be good enough to tell us how much the bill passed the other day carries more than the bill for the current year?

Mr. CANNON. I think the increase for the coming year in the consular and diplomatic bill beyond that for the current year is in round numbers \$50,000.

Mr. HISCOCK. Over the law of last year?

Mr. CANNON. Over the law for the present year.

Mr. HISCOCK. Certainly.

Mr. CANNON. But I make no point about that. I am glad the gentleman from New York called attention to the fact; and I repeat that this particular bill now pending is to double the salary of certain employes of the Democratic House in the Forty-fifth Congress, a Congress my friends on that side will recollect.

Mr. SPRINGER. I desire to say for the benefit of the committee and my colleague from Illinois, that in the Forty-fifth Congress Mr. BLAIR from New Hampshire, now a Senator in Congress from the same State, submitted from the Committee on Accounts a resolution providing for the payment of certain persons therein named specific amounts, as stated in the resolution, for services they had rendered during the vacation of that session of Congress. Mr. BLAIR, in introducing the resolution from the Committee on Accounts, said, after an objection had been made:

I think the gentleman from Pennsylvania [Mr. White] will withdraw his objection when I say this resolution provides only for paying several common laborers and attendants around the Capitol who have done this service and have not received what is due them.

These were colored men who had been in the employ of the House for years preceding the time when the Democratic party obtained control. They were employes that the Democratic House had inherited from their predecessors; and they were still hanging on as employes or seeking employment of the House. They had not been on the payroll, but had been performing service.

Now, when that question was under debate in the House Mr. Garfield said:

I have no doubt that this resolution should pass, and the only reason I asked the question was that I might know whether this was a case where the force had been increased by indirection, which is a thing that we should guard against. If these men have performed services they should be paid.

Mr. BLAIR said:

These men rendered services not in accordance with any specified law, but the services were made necessary by the necessities of the House of Representatives. Most of these services were rendered during the last vacation. The first two named in the resolution, Mr. Bell and Mr. Stewart, have been for many years paid under resolutions similar to this: they have never been upon any

roll. I presume both of them are known to the old members of the House. They have hitherto been paid at the rate of \$2 per day, and we have cut them down to \$1.50 a day. The others named in the resolution are, with perhaps one exception, common laborers, and the services they have rendered have been chiefly in repairs of the Capitol.

Instead of paying them at the usual rate of \$2 per day, we cut them down to \$1 per day. We have reduced them to starvation prices, and it is my belief that every one of them is hungry at this moment.

And it seems that they have got hungry again, for they are here asking for another appropriation.

I think there is nothing in this resolution to which any gentleman in this House would have the slightest objection if he knew the merits of the case.

It seems that the persons who participated in that debate in favor of the resolution were the present Senator from New Hampshire, Mr. BLAIR, and the late President of the United States, Mr. Garfield. I see no reference to any Democrat having taken part in the debate except Mr. Roberts, of Maryland, then the chairman of the Committee on Accounts, who favored the payment on the ground that the services had been rendered.

Mr. Chairman, this bill was reported from the Committee on Claims at a time when the chairman happened to be absent, and was not advised of the merits of the case when it was called up out of its usual order by unanimous consent. But the point involved is simply this: Whether we should increase now the compensation of these persons, which compensation was allowed in the Forty-fifth Congress as a matter of grace, when that was fixed and accepted at the time as the compensation, and it occurs to me it would be a mistake to increase—

Mr. KING. Let me ask the gentleman a question.

The gentleman from Illinois appears to be familiar with the facts of the case, and I will be glad to know from him why this account has been so long standing? It has been standing some eight years.

Mr. EDEN. Who reported the bill?

Mr. SPRINGER. The gentleman from Florida [Mr. DOUGHERTY], whom I do not now see in his seat, reported the bill to the House.

I was saying, when interrupted, that I think the action in the Forty-fifth Congress ought to regulate this compensation.

Mr. EDEN. I think so too.

Mr. SPRINGER. That compensation was fixed then with all of the facts before the House, and was accepted by the employes in full satisfaction for their services.

Mr. WARNER, of Missouri. If the gentleman from Illinois will pardon me a moment, the Committee on Claims, I understand, had no doubt that the parties had rendered the services. They had been employed as they thought by competent authority having power to employ them, and the committee believed that the men, having rendered the services to the Government in that way, should not be kept out of the pay upon a technicality, or upon party principles, or upon any question of economy on either side of the House.

Mr. SPRINGER. These men were paid by the resolution I have indicated, and the amount to which they were entitled was then fixed, in some cases at \$1.50 per day and in others at \$1 per day. They were paid for the services then actually performed. This bill proposes to pay the difference between what was then adjudged to be a fair value for the service, that is to say, \$1.50 in one case and \$1 in the other, and \$2, which they now think they ought to have.

I am opposed to the bill for that reason.

Mr. McMILLIN. This, as I understand it, then, is to go back and readjust the amounts which were paid and accepted as the compensation?

Mr. SPRINGER. Yes, sir.

Mr. McMILLIN. And is to allow more than was allowed by the Congress having all the facts before it?

Mr. SPRINGER. That is the effect.

Mr. RANDALL. I do not remember the particulars of this claim, but I do know that all of these men—I think all of them—were colored men, and not in harmony politically with the present majority of this House. But I leave that subject altogether.

I was not present when the gentleman from Illinois assailed the Democratic economy of former Congresses, and I want to say that that question, more than anything else, in my judgment, gave the Forty-fourth Congress to the Democrats. The Republican party had become extravagant, and the people came to think that a new party would better clean out the excrecences, and they did clean them out. The appropriations of the first year were enormously reduced, that is to say, at the first session of the Forty-fourth Congress. There was preceding that a system of making provision for the payment of deficiencies which should never be allowed.

Their own Secretary of the Treasury himself stated that the reductions by that Congress could have been ten millions more. That was stated in the report of the Secretary of the Treasury laid before Congress at the very next session.

I have heard often about the policy of the Democratic party being for economy, and have heard it condemned by that side of the House. I am not surprised at it. It is only once that they have been able to carry a Congress since, because of their tendency to extravagance.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. RANDALL. Yes, sir.

Mr. MILLIKEN. Has this side condemned the real economy of the Democratic party, or only its pretense to economy?

Mr. RANDALL. Real economy means reducing the expenses; and that is what the Democratic party has done.

Mr. MILLIKEN. Does the gentleman think anybody condemns real economy? Is not what we have condemned that talk of economy which does not mean it?

Mr. BLAND. The side of the House of the gentleman from Maine condemned the Democratic party of that time for attempting to destroy the Government by insufficient appropriations. That has been what you have always complained of.

Mr. MILLIKEN. We have contended that the Democratic party has endeavored to destroy the Government by other means than by withholding appropriations.

Mr. RANDALL. Oh! I am not on that subject. What I want to say is this: The Republican party at that time in the Forty-fourth and Forty-fifth Congresses resisted every sort of economy that was suggested, and charged the Democratic party with cheese-paring, and the like. Yet the people have approved of that policy. I am sorry to say the appropriations have not been as much reduced as I would have desired to have them reduced. But they have always been dealt with by the Committee on Appropriations with intelligence and judgment, in my opinion. And when this House had its celebrated conflict with the Senate as to reductions the economy of this side of the House was made apparent. I have no doubt the House regrets to hear these constant allusions, and the constant necessity of these explanations in defense of those Congresses.

Mr. MILLIKEN. I do not think anybody in this country belonging to either party—for politics do not change men's natures—desire to have extravagance in appropriations.

Mr. RANDALL. I do say this: that the Republican party *en masse* resisted the economies of that day.

Mr. MILLIKEN. I desire to say to the gentleman if he will go back and look over the financial policy of the Government under Republican administration for twenty-five years he will in his calm judgment approve it.

Mr. RANDALL. I repeat, a Republican Secretary of the Treasury stated that the reductions of the Forty-fourth Congress might have been made ten millions more.

Mr. MILLIKEN. If the Democratic party has done anything good, I would be the last man to rob them of their laurels.

Mr. RANDALL. I think all men have good in them.

Mr. SPRINGER. I desire to recall the attention of the committee to the pending bill. I regret that political questions have been injected into this debate at the expense, perhaps, of these colored men who in the Forty-fifth Congress, upon claims coming over from the Forty-second, had been then adjudicated as entitled to payment for some services which they had insisted on rendering to Congress. At that time the House in deference to the wishes of the Republicans, among them General Garfield and Mr. BLAIR, now Senator, took up the appeals of these poor colored men who had rendered services at the Capitol—in deference to the wishes of that side of the House we allowed them to be paid for services rendered irregularly and without warrant of law. And because we did that at a price satisfactory to them, and because they now want to be paid a higher price, my colleague [Mr. CANNON] insists we are now setting aside the economies we practiced in the Forty-fourth and Forty-fifth Congresses. That argument does not apply in this case. We granted it then at the instance of Republicans, who thought we should pay these persons whom they had had in employment and who still remained about the building rendering some services. They were, therefore, put on the roll at \$1 and \$1.50 per day, and they accepted that amount as satisfactory, and with that the account closed. But they came forward again and ask now to be paid a higher rate.

Mr. CANNON. I want to say just one word in reply to the gentleman from Illinois. He says these were Republican employes. Does not my friend remember that the Democratic majority ran up to I think over sixty, or between fifty and sixty, in that Congress? You organized all the committees. You controlled the Committee on Accounts. That committee unanimously made the report referred to by the gentleman from Illinois. These people were employed about the business of the House and received this pay which you say now is inadequate; and now in the Forty-ninth Congress the Democratic House, through my friend from Illinois [Mr. SPRINGER], the chairman of the Committee on Claims, comes in with this report and proposes to do the tardy justice to these people of paying them what they ought to have been paid eight years ago.

Mr. SPRINGER. The gentleman misunderstands the fact. I said this was reported when the chairman of the committee was absent and that I thought this bill ought not to pass. The parties had received what was considered a proper rate for their services, and ought to be satisfied with it.

Mr. CANNON. Now, when the attention of the House is called to the facts—not for the purpose of defeating this bill, because I have no desire to defeat it after the report of the committee, from which it appears that the compensation these men received as employes of a former Democratic House was really insufficient—when the attention of this

Democratic House is called to the facts, and when my colleague, the chairman of the Committee on Claims, is brought face to face with the facts in the case, he gets up and, with that extraordinary power of his, greater than that which belongs to any other man upon this floor, he proceeds like a cuttle-fish to muddy the water and then to swim away. [Laughter.]

Mr. SPRINGER. The waters were muddied by my colleague from Illinois, and I was trying to clear them. [Laughter.]

Mr. HENDERSON, of Illinois. Mr. Chairman, I regret exceedingly the course which the debate on this bill has taken, and I will say to the committee that I would not have asked its indulgence if I had supposed that the time would have been occupied as it has been. It appears that these men received a dollar a day. The Committee on Claims reported that they were entitled to \$2 a day. I knew nothing myself as to the facts, but the committee had made its report, and I took the precaution to ask my colleague, the chairman of the committee [Mr. SPRINGER], before I stated that the report of the committee was unanimous, whether such was not the fact, and I understood him to say that it was, or that he supposed it was.

Mr. SPRINGER. There was no adverse report.

Mr. HENDERSON, of Illinois. It was upon that information that I made the statement I did make. I believed myself that the amount allowed these men was inadequate, and inasmuch as the Committee on Claims had reported in favor of the passage of this bill, I, in behalf of the persons concerned, asked unanimous consent to take the bill up out of its order, and I hope now that nothing that has been said here for political effect either on the one side or the other will really affect the merits of the bill and that it will now be permitted to pass.

Mr. BLAND. Mr. Chairman, there are some of us here who were members of the Forty-fourth Congress, and when I hear the gentleman from Illinois [Mr. CANNON] and other gentlemen upon that side taunting the Democratic party upon the subject of economy, I am reminded of the scenes in that Congress which I happened to witness. The gentleman from Pennsylvania [Mr. RANDALL] was chairman of the Committee on Appropriations, and when that House—the first Democratic House that had assembled here since the war—undertook to institute some economy in the appropriations for the support of this Government, and when, in a long contest with the Republican Senate, extending far into the dog days of August, that House did reduce the appropriations to the tune of \$30,000,000, the Republicans, standing by their leaders on the other side of the House, declared that the Democratic party were undertaking to starve the Government to death, to destroy it in that way, and went on the hustings throughout the country denouncing the Democratic party for its economy and its efforts to "starve" out the Government.

Tell me they did not complain of economy! When the Forty-fifth Congress met, a Democratic Congress also, it continued these reductions, or at least there was no increase in the appropriations, and so in the Forty-sixth Congress, until at last the Republicans themselves began to see that after all the Government was not being starved and that it was able to get along with these reduced appropriations. And yet, sir, we are expected to sit silent here under the taunts which are now flung at the Democratic party about "economy" and the reduction of expenses. Whenever such taunts are indulged in I think it is well enough to go back a few years, and remind gentlemen upon the other side of their speeches and their conduct upon this subject at that time.

Mr. ALLEN, of Mississippi. Mr. Chairman, I was not here in the Forty-fourth nor the Forty-fifth Congress, the economical spirit of which has been the subject of the criticism of the gentleman from Illinois [Mr. CANNON], but, sir, I am here now and am still fully imbued with the spirit of economy [laughter], and before this vote is taken I want the committee to understand the proposition on which we are about to vote, and I desire to give my reasons for the vote I will cast. The record read by the gentleman from Illinois [Mr. SPRINGER] discloses this sort of a case.

During the vacation of the Forty-fifth Congress the proposed beneficiaries of this bill whose names were not borne on the rolls of the House and for whose employment there was no authority of law insisted, doubtless out of a spirit of pure patriotism or from force of long habit [laughter] on serving the Government here. They seem, some of them at least, to have been serving about the House for years, and, strange to say, like most other Government employes, were reluctant to quit. They seem to have performed some vague sort of service, just what we are not informed, but it was no doubt very laborious and onerous, performed doubtless of their own volition, as there was no authority of law for their employment.

It seems, then, Mr. Chairman, that certain benevolent and humane gentlemen, members of the Congress at the time, who knew of the value of the patriotic labors performed by these men, passed a bill and fixed the compensation to be paid them, which was no doubt satisfactory to them at the time, and was accepted by them in full satisfaction for their services. And now this bill proposes to go back and readjust those claims, and pay them double what was adjudged by the House, for which the services were performed, to be reasonable and just. It is true, sir, that the money involved here is not much in dollars and

cents as compared with amounts in most bills passing this House, but, sir, there are questions of policy and precedent involved that I am not willing to permit to pass without challenge.

Sir, is it wise or statesmanlike for this House to sit here and fritter away its time in endeavoring to go back and hunt out and give additional compensation to some person who has served the Government in some capacity at some time since its foundation, who, in the estimation of some philanthropic and liberal-minded man (I mean liberal-minded with Government money), did not get all he thinks he ought to have had, though it was doubtless much more than the employes of private interests similarly employed at the time got and what the party was anxious at the time to accept? In the language of the gentleman from Maine [Mr. REED], is this what you call attending to the public business?

Mr. Chairman, if there is any one disposition that has developed itself over and above all other traits of the American citizen it is a willingness to serve the Government. [Laughter.] Sir, this willingness on the part of the people to accept Government employment at the compensation already fixed is so unanimous and universal as to have banished all fears that republican institutions would ever fail here for the want of men to hold the offices. [Laughter.] Sir, laborers are striking all over the country, but I hear of no threatened strike on the part of the employes of the Government. [Laughter.] And yet one would think they were about to strike, for scarcely a day passes but that some proposition is made on this floor to better their condition at the expense of the toiling masses of the country, by giving them more pay and less work, shorter time to work in and longer furloughs or leaves of absence with pay going on; and reference is often made to them as the poorly paid and overworked Government employes.

Mr. Chairman, if I have been impressed with one thing more than another since I came to Washington it has been the vast difference in condition between the vast mass of the people whom we came here to represent and their rulers and servants in the public service about Washington, so far as the salaries they receive and spend and the comforts and luxuries with which they are surrounded are concerned. Sir, in the midst of all this splendor and show and extravagance do not let us forget those who have to foot the bills and who sent us here to represent them.

When their crops fail or prices fail or disasters overtake them, as they have thousands of honest and hardworking men and women in my country, until they can scarcely provide food and clothing for themselves and their families, there is no one to readjust their claims and double their compensation or give them back pay.

Sir, there is not one of us on this floor who could not from among our own constituents fill all the vacancies that will occur within the next two years in the Government service with people who would be glad to take the places without an increase of salary.

Mr. REED, of Maine. If we could get the chance.

Mr. ALLEN, of Mississippi. Now, sir, gentlemen may say what they please about the action of past Congresses, but for myself I am more interested in correcting the abuses of the present than I am about fixing responsibility for the past. If the Forty-fifth Congress was economical let us imitate its example, and not attempt to squander in profligate extravagance what they saved by their economy. I say to gentlemen on this floor I do not care to what political party you belong; those of you who are willing to do what you can to show to the people that the Forty-ninth Congress is anxious to give the country an economical administration, and to eradicate extravagance in all of its forms, will have my cordial co-operation in all such endeavors. Then leave these parties where the Congress they served left them, and do not set a precedent by which a thousand like bills will be invited from persons who come to realize years after the services are performed that they worked for the Government too cheap. Sir, I desire, in the name of an overtaxed constituency, to enter my protest against any and all such legislation. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. HENDERSON] that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken, there were—ayes 68, noes 59.

Mr. COWLES. No quorum.

Mr. WARNER, of Missouri. The report in this case was made by a gentleman on the other side, a Representative from Florida [Mr. DOUGHERTY], who is not present to-day. He had no expectation that the bill would be called up at this time; and if there is to be any controversy, if the point of no quorum is to be raised, I ask unanimous consent that the bill be passed over until he appears.

Mr. EDEN. Let us have tellers. I think this bill ought to be defeated.

Mr. COWLES. I insist on the point that no quorum voted.

Tellers were ordered; and Mr. HENDERSON, of Illinois, and Mr. COWLES were appointed.

The committee again divided; and the tellers reported—ayes 116, noes 47.

So the bill was laid aside to be reported favorably to the House.

Mr. SPRINGER. I move that the committee rise.

JOHN ELLIS.

Mr. HOLMAN. Before my friend from Illinois [Mr. SPRINGER] makes the motion that the committee rise I wish to ask a special favor of the committee.

Mr. SPRINGER. I withdraw my motion for the present.

Mr. HOLMAN. I ask unanimous consent to have taken up at this time a very small bill for the benefit of a colored employé of the House, the case being of the same class as that just acted on, except that in this instance no payment at all was made. I am satisfied there has been continuous injustice in not making this payment. I therefore ask unanimous consent for the present consideration of the bill.

Mr. SPRINGER. Let the bill be read subject to objection.

Mr. HOLMAN. I am satisfied there will be no objection.

The CHAIRMAN. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H. R. 3908) for the relief of John Ellis.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Ellis the sum of \$210, in full for services rendered as messenger to the Forty-fifth Congress from October 15, 1877, to February 1, 1878.

Mr. HOLMAN. The report in this case is very brief, and I ask that it be read.

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

The Committee on Claims, to whom was referred the bill (H. R. 3908) for the relief of John Ellis, submit the following report:

Bills seeking the same object as the present bill were favorably reported by the Committee on Claims of the Forty-seventh and Forty-eighth Congresses. The Committee on Claims in the Forty-seventh Congress made the following report, which we adopt, and recommend the passage of the present bill:

"That John Ellis, by the appointment of the Doorkeeper, acted as messenger to the House and its committees, in the Forty-fifth Congress, for the period of three months and a half, from October 15, 1877, to the 1st day of February, 1878, for which he has received no pay, because, for some reason unknown to your committee, his name was not put upon the proper rolls. Your committee, therefore, report a bill herewith, and recommend its passage."

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

Mr. COX. I do not understand why the name of this man was not borne on the roll if he was actually in the employ of the House.

Mr. HOLMAN. I will say to my friend from North Carolina that for many years Mr. Ellis has been claiming that this money was due him. I brought the subject to the attention of the Forty-seventh Congress, and a report was made in his favor by the Committee on Claims and again in the Forty-eighth Congress. How it happened that he was employed without his name being on the roll I am not able to say; but it occurred in regard to these other four men just as it did in regard to him. The only trouble was that this claim was not adjusted at the same time the other four claims were adjusted.

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

Mr. KING rose.

The CHAIRMAN. Does the gentleman from Louisiana object?

Mr. KING. Before unanimous consent is given I would like to ask the gentleman from Indiana why this measure has not been brought here before. Several Congresses have elapsed since the time when these services are claimed to have been rendered.

Mr. HOLMAN. The claim has been brought in time and again. This is the third report made in its favor.

The CHAIRMAN. If there be no objection the bill will be taken up for consideration. The Chair hears no objection. The question is on ordering the bill to be laid aside to be reported to the House with a recommendation that it pass.

Mr. CANNON. I hope this bill will pass. It is proper and fitting that it should. The gentleman from Indiana [Mr. HOLMAN] approves and blesses it. It is for services rendered in the Forty-fifth Congress, a Democratic Congress, memorable in the annals of this country. It is peculiarly appropriate that my friend from Indiana should now come in to do this tardy justice to a man who served that Congress for nothing under their scant appropriations, because this very cutting off of the appropriation for this employé and a few others furnished the gentleman from Indiana the campaign thunder which re-elected him to Congress. [Laughter.]

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass?

The question was decided in the affirmative.

JOHN E. WHITE.

Mr. PERKINS. The gentleman from Illinois [Mr. SPRINGER] agrees to withhold for a moment the motion that the committee rise. I ask unanimous consent that the Committee of the Whole take up for present consideration the bill (H. R. 5175) extending the provisions and benefits of the pre-emption laws to John E. White.

The bill was read, as follows:

Be it enacted, &c., That the provisions and benefits of the pre-emption law be extended and granted to John E. White, of Wilson County, Kansas, so as to permit him to pre-empt and purchase of the proper land office, and upon the conditions applicable to other lands in the same community, the north half of the northeast quarter and the southwest quarter of the northeast quarter of sec-

tion numbered 20, township numbered 27 south, of range numbered 16 east of the sixth principal meridian, in the State of Kansas, notwithstanding his previous filing on a different tract of land.

The amendment reported by the Committee on the Public Lands to strike out the word "of," in line 5, after the word "purchase," and insert the word "at," was read.

Mr. PERKINS. The Committee on Public Lands have unanimously reported in favor of this bill, and I have the report here; but I can briefly state that the reason that this man can not pre-empt the land upon which he has his home to-day is that formerly he filed upon 80 acres of land, after which he was taken sick and was prostrated a number of weeks. During the time of his sickness and prostration others came in and filed upon those 80 acres, and instituted a contest against him. Not having the money to prosecute that contest he abandoned it, and located upon the tract which he now occupies; but in consequence of his former filing the Land Office holds that he is now precluded from the benefits of the pre-emption act. This bill simply gives him the right to pre-empt without regard to his former filing.

Several MEMBERS. "All right."

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

The amendment reported by the Committee on the Public Lands was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it pass.

Mr. SPRINGER. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar and had directed him to report back sundry bills with various recommendations.

CHANGE OF RANK ON RETIRED-LIST.

The SPEAKER. The first bill reported from the Committee of the Whole House on the Private Calendar is a bill (H. R. 37) to change the rank of an officer on the retired-list of the Army.

Mr. SPRINGER. That is the bill upon which a yea-and-nay vote has been demanded. The gentleman from Wisconsin, Mr. BRAGG, and the gentleman from Alabama, Mr. WHEELER, both now absent, demanded a yea-and-nay vote. The Committee of the Whole reported adversely on the bill. There is some dispute about it.

The SPEAKER. The yeas and nays have been demanded, but not ordered.

Mr. SPRINGER. Let the bill be reported.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to select, from among the colonels now on the retired-list of the Army of the United States, one person who has served in the late civil war as chief of artillery of one of the principal armies of the United States, and to place him on said retired-list with the rank and pay of major-general from the date of his retirement: *Provided*, That the officer so selected has been borne on the active-list of the Army for more than forty years as a commissioned officer of artillery: *And provided further*, That he held at the date of his retirement the brevet rank of major-general, conferred by the President, by and with the advice and consent of the Senate, for distinguished services in said war.

Mr. SPRINGER. I made a statement which may be misunderstood by the House. The bill was reported favorably by the Committee on Military Affairs and put on the Private Calendar. When the bill was up to be considered by the Committee of the Whole tellers were ordered. A quorum failed to vote. The gentleman having charge of the bill submitted to an adverse report for the purpose of getting it into the House, the tellers having reported a majority voting against the bill.

Mr. PRICE. I want the yeas and nays on the bill.

The SPEAKER. Not on the third reading and engrossment of the bill?

Mr. PRICE. No; but on the passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The yeas and nays were ordered on the passage of the bill.

The question was taken; and there were—yeas 76, nays 111, not voting 135; as follows:

YEAS—76.

Allen, C. H.	Dorsey,	Hopkins,	Rockwell,
Atkinson,	Dowdney,	Howard,	Sawyer,
Bayne,	Eldredge,	Hutton,	Seney,
Bingham,	Ely,	Johnson, F. A.	Seymour,
Blanchard,	Ementrout,	Ketcham,	Shaw,
Bond,	Farquhar,	King,	Spooner,
Bragg,	Forney,	Laird,	Stahlnecker,
Breckinridge, W. C. P.	Frederick,	Libbey,	Strait,
Brown, C. E.	Funston,	Lindsley,	Swinburne,
Campbell, Felix	Gay,	Martin,	Swope,
Campbell, J. E.	Green, R. S.	Maybury,	Symes,
Campbell, T. J.	Guenther,	Merriman,	Tillman,
Catchings,	Hale,	Millard,	Trigg,
Cobb,	Hayden,	Milliken,	Van Eaton,
Comstock,	Hemphill,	Morrill,	Wade,
Cutcheon,	Henderson, D. B.	Morrow,	Weaver, J. R.
Dargan,	Hewitt,	Perry,	Whiting,
Davenport,	Hiscock,	Pettibone,	Wilkins,
Dibble,	Hitt,	Rice,	Wolford,

NAYS—111.

Adams, G. E.	Dawson,	Lanham,	Rogers,
Allen, J. M.	Dockery,	McKenna,	Romeis,
Ballentine,	Dunham,	McMillin,	Rowell,
Barnes,	Dunn,	McRae,	Sadler,
Barry,	Eden,	Miller,	Sayers,
Beach,	Everhart,	Moffatt,	Scranton,
Bland,	Fleeger,	Morgan,	Sessions,
Blount,	Fuller,	Morrison,	Skinner,
Brady,	Geddes,	Murphy,	Smalls,
Breckinridge, C. R.	Glass,	Neal,	Sowden,
Brown, W. W.	Green, W. J.	Neece,	Springer,
Buck,	Groat,	Nelson,	Stephenson,
Bunnell,	Hall,	O'Donnell,	Stone, W. J., Ky.
Burrows,	Halsell,	O'Ferrall,	Stone, W. J., Mo.
Bynum,	Harris,	O'Neill, Charles	Struble,
Cabell,	Hatch,	Osborne,	Taulbee,
Caldwell,	Haynes,	Owen,	Taylor, Zach.
Candler,	Heard,	Payson,	Turner,
Cannon,	Hepburn,	Peel,	Van Schaick,
Clements,	Hiestand,	Perkins,	Wadsworth,
Conger,	Holman,	Peters,	Wait,
Cooper,	Jackson,	Pindar,	Wellborn,
Cowles,	James,	Price,	West,
Cox,	Johnston, J. T.	Reagan,	White, Milo
Crisp,	Johnston, T. D.	Reed, T. B.	Willis,
Croxton,	Laffoon,	Reid, J. W.	Wilson,
Davidson, A. C.	La Follette,	Richardson,	Wise.
Davis,	Landes,	Riggs,	

NOT VOTING—135.

Adams, J. J.	Evans,	Little,	Scott,
Aiken,	Felton,	Long,	Singleton,
Anderson, C. M.	Findlay,	Lore,	Snyder,
Anderson, J. A.	Fisher,	Louttit,	Spriggs,
Arnot,	Foran,	Lovering,	Steele,
Baker,	Ford,	Lowry,	Stewart, Charles
Barbour,	Gallinger,	Lyman,	Stewart, J. W.
Barksdale,	Gibson, C. H.	Mahoney,	St. Martin,
Belmont,	Gibson, Eustace	Markham,	Stone, E. F.
Bennett,	Gilfillan,	Matson,	Storm,
Bliss,	Glover,	McAdoo,	Tarsney,
Boutelle,	Goff,	McComas,	Taylor, E. B.
Boyle,	Grosvenor,	McCreary,	Taylor, I. H.
Browne, T. M.	Hammond,	McKinley,	Taylor, J. M.
Brumm,	Hanback,	Mills,	Thomas, J. R.
Buchanan,	Harmer,	Mitchell,	Thomas, O. B.
Burleigh,	Henderson, J. S.	Muller,	Thompson,
Burnes,	Henderson, T. J.	Negley,	Throckmorton,
Butterworth,	Henley,	Norwood,	Townshend,
Campbell, J. M.	Herbert,	Oates,	Tucker,
Carleton,	Herman,	O'Hara,	Viele,
Caswell,	Hill,	O'Neill, J. J.	Wakefield,
Clardy,	Hires,	Outhwaite,	Ward, J. H.
Cole,	Holmes,	Parker,	Ward, T. B.
Collins,	Houk,	Payne,	Warner, A. J.
Compton,	Hudd,	Phelps,	Warner, William
Crain,	Irlon,	Pidcock,	Weaver, A. J.
Culbertson,	Jones, J. H.	Pirce,	Weber,
Curtin,	Jones, J. T.	Plumb,	Wheeler,
Daniel,	Kelley,	Randall,	White, A. C.
Davidson, R. H. M.	Kleiner,	Ranney,	Winans,
Dingley,	Lawler,	Reese,	Woodburn,
Dougherty,	Le Fevre,	Robertson,	Worthington.
Ellsberry,	Lehlbach,	Ryan,	

So the bill was rejected.

During the roll-call, on motion of Mr. JAMES, the reading of the names was dispensed with.

The following pairs were announced from the Clerk's desk until further notice:

Mr. HENLEY with Mr. RYAN.
 Mr. HILL with Mr. BAKER.
 Mr. WINANS with Mr. GROSVENOR.
 Mr. MULLER with Mr. HOUK.
 Mr. HEMPHILL with Mr. IKE H. TAYLOR.
 Mr. ARNOT with Mr. LONG.
 Mr. LOWRY with Mr. MCCOMAS.
 Mr. PEEL with Mr. HENDERSON, of Illinois.
 Mr. NORWOOD with Mr. GILFILLAN.
 Mr. TOWNSEND with Mr. GALLINGER.
 Mr. CURTIN with Mr. NEGLEY.
 Mr. OUTHWAITE with Mr. PARKER.
 Mr. PIDCOCK with Mr. MCKINLEY.
 Mr. CRAIN with Mr. STEWART, of Vermont.
 Mr. BURNES with Mr. BUCHANAN.
 Mr. FISHER with Mr. LYMAN.
 Mr. GIBSON, of West Virginia, with Mr. PIRCE.
 Mr. COLE with Mr. THOMAS, of Illinois.
 Mr. CARLETON with Mr. HOLMES.
 Mr. JONES, of Alabama, with Mr. BURLEIGH.
 Mr. TARNSEY with Mr. CASWELL.

For this day:

Mr. HAMMOND with Mr. HARMER.
 Mr. DAVIDSON, of Florida, with Mr. BUTTERWORTH.
 Mr. MURPHY with Mr. PAYNE.
 Mr. ROBERTSON with Mr. STEELE.
 Mr. OATES with Mr. DINGLEY.
 Mr. JOHN M. TAYLOR with Mr. HIRES.
 Mr. LA FEVRE with Mr. ANDERSON, of Kansas.
 Mr. HENDERSON, of North Carolina, with Mr. HANBACK.
 Mr. O'NEILL, of Missouri, with Mr. WAKEFIELD.

Mr. JONES, of Texas, with Mr. KELLEY.

Mr. MCADOO with Mr. LOUITT.

The vote was then announced as above recorded.

Mr. PRICE moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

By unanimous consent leave was granted to Mr. BUTTERWORTH, Mr. BAYNE, and Mr. ALLEN, of Mississippi, to extend their remarks, made to-day, in the RECORD.

EUNICE E. CLARK.

Mr. NEECE. Mr. Speaker, I desire to submit a privileged report from the committee of conference on House bill No. 6429, granting a pension to Eunice E. Clark.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6429) granting a pension to Eunice E. Clark, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to amend the Senate amendment by striking out the word "twenty" and inserting "twelve;" so that the Senate amendment will read: "At the rate of \$12 per month, subject to the limitations and provisions of the pension laws."

And that the House recede from its disagreement, and agree to the Senate amendment as amended.

WM. H. NEECE,

JOHN S. PINDAR,

E. H. CONGER,

Managers on the part of the House.

S. M. CULLOM,

H. W. BLAIR,

A. H. COLQUITT,

Managers on the part of the Senate.

The committee submit the following statement to accompany the report:

The effect of this report, if adopted, is to reduce the Senate amendment from \$20 per month to \$12. The husband of this claimant was a private soldier, and this report puts her on the pension-roll at the same rate as soldiers' widows of the same rank.

WM. H. NEECE,

JOHN S. PINDAR,

E. H. CONGER,

Managers on the part of the House.

The report of the committee of conference was adopted.

Mr. NEECE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

McMINNVILLE AND MANCHESTER RAILROAD COMPANY.

The SPEAKER. The Clerk will report the next bill reported from the Committee of the Whole House on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes.

Mr. SPRINGER. There is a yea-and-nay vote to be taken on that bill in the House, and as there are several other bills upon the Calendar, upon the passage of which there will be, I think, no objection, and which can not be disposed of to-day if a yea-and-nay vote is ordered on this bill, I ask unanimous consent that the consideration of this bill be passed over for the present.

Mr. COWLES. I object.

Mr. SPRINGER. I will mention in particular that there is a bill for the relief of John S. Kendrick, which is to be recommitted to the Committee on War Claims—

The SPEAKER. But the gentleman from North Carolina has objected to the postponing the unfinished business.

The question is upon ordering the bill to be engrossed and read a third time.

Mr. RICHARDSON. Mr. Speaker, I do not intend to enter into a discussion of the merits of this bill. It has been already discussed in Committee of the Whole on two separate occasions, and I do not desire now, as I have intimated, to extend that debate. I want to say simply that by the Judiciary Committee of the Forty-eighth Congress this bill was unanimously reported.

By the Committee on War Claims of the present House it has been again favorably reported. When it was first considered and discussed in Committee of the Whole, and the question being taken upon laying it aside the committee found itself without a quorum. The vote upon the bill at that time, as I now recollect it, was 70 in favor of the passage of the bill and 55 against it.

When it was again called up—

Mr. EDEN. Is debate in order?

The SPEAKER. It is. The previous question has not been ordered upon the bill. The gentleman from Tennessee is entitled to an hour.

Mr. RICHARDSON. When it was again called up and the vote was

taken after debate, I think, as I now remember, the vote was about 75 to 65.

I have said that I did not care to discuss the question upon its merits any further. I want to yield, however, a few minutes to the gentleman from Maine [Mr. REED], who I understand desires to submit some remarks in the House upon the bill. I do not know that I am correct, but if I am I shall yield to the gentleman from Maine.

The SPEAKER. How much time?

Mr. RICHARDSON. Five minutes, or so much time as the gentleman may desire—longer if he wishes.

Mr. REED, of Maine. I have always felt some interest in the claims arising from the war, because I believe that while justice ought to be done in all proper cases, there would be very grave danger in undertaking to pay what might properly be called the losses of the war. I believe that those losses which arose in the prosecution of the war directly ought to rest where they fell and that we ought not to disturb them in any manner.

Since this matter was first brought up for debate in the committee it occurred to me, on hearing a part of the discussion that then took place, that this was one of those cases which ought to be resisted. I therefore examined the report, and became satisfied that if the report was true I was mistaken in that regard; but the gentleman from Indiana [Mr. JOHNSTON], in some of his remarks upon the floor, induced me to think that I ought to investigate the record in order that I might at least be consistent in the principles which I have always supported. I found upon an examination of the record that it was right and just for me to say, on investigation of the documents, that in my judgment this is not one of the cases which were the direct results of damage ensuing from the prosecution of the war. Wherever the armies of the United States tore up a railroad or took possession of it in the enemy's country, whatever loss happened is like a loss occurring from a cyclone, not to be investigated, not paid for by the government of either belligerent which was successful; but in 1864 I find, while war was not prevalent in the country where this railroad was situated, the United States, under a statute made for that purpose, took possession of this road, and the United States, having taken possession of it, took away the iron and sold it to another corporation and received pay for it.

The Quartermaster's Department investigated that subject by a commissioner, and that commissioner reported the price which this House is to-day asked to pay. Now, the only reason why this is not a strictly legal determination is because the act of 1862, under which the railroad must have been taken, if it was taken by law, requires that the appointment of a commissioner to assess damages shall be made by the President. It was made by the Quartermaster's Department and the documents show it, and show also the figures at which this iron was estimated. The next question is how did the railroad company, which to-day asks that this shall be allowed on their account—how did they get possession of the road? The answer is to be found in a contract which the gentleman from Tennessee [Mr. RICHARDSON] has just shown me—the original document—which contains a full and complete transfer of the right of the railroad whose iron the United States have taken. That completes the circuit. That shows the damage, the amount of damage, the legality of its payment, and the party to whom it ought to be paid. For my part I can see nothing wanting to make it a proper and suitable claim against the Government.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman a question?

Mr. REED, of Maine. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. How does the estimate of the commissioner compare with the amount claimed?

Mr. REED, of Maine. It compares exactly. It is the same amount with this exception, that the commissioner estimated for damaged bridges, and such matters, which the committee and this bill do not propose to pay.

Mr. BRECKINRIDGE, of Arkansas. Those are expressly stricken out?

Mr. REED, of Maine. They are expressly stricken out. The bill is confined solely to railroad iron taken by the Government of the United States and sold by it, the proceeds of which the United States has received.

Mr. HENDERSON, of Iowa. Will the gentleman permit me a question?

Mr. REED, of Maine. Yes, sir.

Mr. HENDERSON, of Iowa. You have examined this act of 1862. Will you explain something with regard to its provisions? I understand it was an act not for war purposes, but for getting possession of railroads.

Mr. REED, of Maine. It was for getting possession of railroads not in the enemy's territory.

Mr. HENDERSON, of Iowa. What was the object of the act?

Mr. REED, of Maine. To enable the authorities of the United States to take railroads near the scene of conflict. Of course army operations extended away back to the base, and it was necessary to have the power of taking railroads along the border. Am I right in that statement?

Mr. PETTIBONE. That is exactly correct.

Mr. HENDERSON, of Iowa. When taken possession of was the railroad being used by the confederate army?

Mr. REED, of Maine. No, sir; the confederate army had not been there for a long time. That is a point which is not disputed.

I do not know that I need add anything further, but I thought I should say this much because, having taken a decided stand on these claims, I deemed it proper to state this in order to justify my judgment.

Mr. RICHARDSON. I hold in my hand the original contract referred to by the gentleman from Maine.

Mr. JOHNSTON, of Indiana. Will the gentleman from Tennessee [Mr. RICHARDSON] yield a portion of the time to this side?

Mr. RICHARDSON. I do not want to debate the question. I hold in my hand the original contract entered into between the Nashville and Chattanooga, and the McMinnville and Manchester Railroad Companies. The gentleman from Maine has stated it correctly. It transfers all the rights of the Manchester road to the Nashville and Chattanooga road.

I move the previous question.

Mr. HOLMAN. I hope the gentleman from Tennessee will not make a speech, then yield to the gentleman from Maine for a speech on the same side, and then move the previous question so as to cut off debate.

Mr. RICHARDSON. I have not debated the question.

Mr. HOLMAN. Yes, sir; you have debated the question, and now you call for the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question on ordering the bill to be engrossed and read the third time.

Mr. HOLMAN. Let it be voted down.

The House divided; and there were—ayes 73, noes 62.

Mr. BYNUM. No quorum.

Mr. RICHARDSON. If it will obviate any trouble I will concede five minutes to the gentleman from Indiana. [Cries of "Regular order!"]

The SPEAKER. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana, Mr. BYNUM, and the gentleman from Tennessee, Mr. RICHARDSON.

Mr. REED, of Maine. The only difficulty about discussion arises from the fact that 5 o'clock is so near. If it is considered desirable that gentlemen on the other side should talk upon this question we can by unanimous consent extend the sitting a quarter of an hour. I think there is no desire to cut off debate. [Cries of "Regular order!"]

The House again divided; and the tellers reported—ayes 97, noes 20.

Mr. ANDERSON, of Kansas. No quorum.

Mr. RICHARDSON. I call for the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. Is a motion to take a recess until half-past seven in order?

The SPEAKER. It is.

Mr. BRECKINRIDGE, of Kentucky. I make that motion.

Mr. RICHARDSON. Is it in order to take a recess before 5 o'clock?

The SPEAKER. The rule of the House requires an adjournment at 5 o'clock, but the House has always the power to take a recess or to adjourn.

Mr. BRECKINRIDGE, of Kentucky. I withdraw the motion for a recess.

Mr. SPRINGER. I renew it.

The motion for a recess was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House took a recess until half past 7 p. m.

EVENING SESSION.

The recess having expired, the House at half past 7 p. m. resumed its session.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills under the special order for Friday evening sessions.

The motion was agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order.

Mr. MATSON. Mr. Chairman, I ask unanimous consent that members present may be allowed to call up such bills as they desire. I think it is only just to those who attend these Friday evening sessions that they should have that preference, and in my judgment after the bills so called up are disposed of we ought to stop.

There was no objection, and it was so ordered.

MRS. MARIA WALKER.

Mr. MILLS. Mr. Chairman, I desire to call up House bill No. 6311, granting arrears of pension to Mrs. Maria Walker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, arrears of pension from the 4th of March, 1860, the date at which she was dropped from the pension-roll; and that the said Maria Walker be, and is hereby, restored to her rights as a pensioner of the Revolutionary war.

The Committee on Pensions recommend an amendment striking out all of the bill after the word "sixty," in line 7, and inserting the words "to March 9, 1878, at the rate of \$8 per month."

Mr. MILLS. I move the adoption of the amendment.

Mr. MATSON. Mr. Chairman. I would like to hear the report in that case.

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

The Committee on Pensions, to whom was referred the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker, submit the following report:

Mrs. Maria Walker is the widow of John H. Walker, who was a privatesoldier in Captain Henry's company, Colonel Alexander's regiment, Georgia militia, in the war for American independence. Mrs. Walker became his wife on March 14, 1815. Her husband died in 1836, and she has never remarried. Under the act of February 3, 1853, which provided for the pensioning of the widows of Revolutionary soldiers who were married after the year 1800, she was placed on the pension-roll from the date of that act, and continued to draw a pension up to March 4, 1860, at which time she was dropped from the rolls. She was restored to the rolls under the act of March 9, 1878, at the rate of \$8 per month.

Mrs. Walker has made several applications to the Pension Office to be allowed payment of her pension for the time during which she was suspended from the rolls, but is and has been unable to comply with the requirement of that office as to proof of loyalty to the United States during the period of the late civil war, as being a native and always a resident of the South, she naturally sympathized with her people, to whom only, at her then advanced age, could she look for counsel and relief.

Mrs. Walker is now over ninety years of age, is in straitened circumstances, and largely dependent upon relatives and friends for a home and support, her only income being the \$8 per month she now receives since she was restored to the rolls.

Mrs. Walker is one of the very few, perhaps the only widow of a soldier of the Revolutionary war now living; and in view of the facts it would seem eminently proper for the American Congress to pay to this old lady the small sum which the bill will allow, and thereby place her for the remainder of her days, which must be very short at best, beyond the reach of want.

Your committee therefore recommend that the bill do pass, with the following amendment: Strike out all after the word "sixty," in line 7 of the bill, and insert the words "to March 9, 1878, at the rate of \$8 per month."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. If there be no objection this bill, as amended, will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. Mr. Chairman, I know of no instance where we have voted arrears to these pensioners, and I know of many cases where the parties were really suffering and where arrears should have been granted if we are to depart from the rule at all. I do not know why we should make an exception in this instance.

Mr. MILLS. I did not hear distinctly the remark of the gentleman from Wisconsin.

Mr. PRICE. I say that this is in direct conflict with the rule that has guided us here in dealing with these cases.

Mr. MILLS. This lady had been receiving a pension for a number of years.

Mr. PRICE. I know it, and I would give her a pension again.

Mr. MILLS. She has had her pension restored since 1878. This is simply to give it to her from 1860 to 1878, the period during which it was suspended.

Mr. PRICE. I know; but why should that be done in this case, when there are so many other cases where we refuse to do it?

Mr. MILLS. So many other Revolutionary pensioners, the widows of Revolutionary soldiers?

Mr. PRICE. No; but so many widows of soldiers who served you and me and the country.

Mr. MILLS. Do you know of any other case just like this?

Mr. PRICE. Oh, no. I presume there are no two cases on the pension rolls entirely alike.

Mr. OSBORNE. This lady was entitled to the pension all these years.

Mr. PRICE. The constituted authorities decided otherwise.

Mr. MILLS. She was simply dropped from the roll. She was living in the South, within the fire-circle at that time, and, I suppose, without knowing anything about her, or knowing whether she was loyal or disloyal, they simply dropped her from the roll; and then in 1878, I presume, upon proper proofs they restored her, and she has been drawing her pension again ever since that time.

Mr. DOCKERY. Do I understand that this case was dropped from the roll in 1860?

Mr. MILLS. Yes; in 1860.

Mr. DOCKERY. There were many cases of that kind.

Mr. BURROWS. Mr. Chairman, let me inquire whether this report is the unanimous report of the committee.

Mr. MORRILL. The bill comes from the Committee on Pensions. As to the Committee on Invalid Pensions, I will say that in cases similar to this that have come before that committee where parties were improperly dropped from the roll we have recommended restoring them and placing them back as they were before they were dropped. I remember one case last winter where a man got \$2,800 arrears. If this lady was entitled to be restored to the pension-roll at all she is entitled to receive a pension for all the time that she was dropped from the roll, and the Pension Office by restoring her admit that they did wrong in dropping her. I think she ought to receive the arrears.

Mr. PRICE. Mr. Chairman, I will not take up the time of the com-

mittee in arguing the question, but will content myself by voting against the bill.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

CLARK BOON.

Mr. CONGER. Mr. Chairman, I ask unanimous consent to call up House bill 7931, increasing the pension of Clark Boon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Clark Boon, late a member of Company H, Thirty-third Regiment of Iowa Volunteers, to the sum of \$24 per month.

The Committee on Invalid Pensions recommended an amendment striking out in the last line of the bill the words "twenty-four dollars per month" and inserting "twelve dollars per month, to take effect from and after the passage of this act."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY HOWARD FARQUHAR.

Mr. MAYBURY. Mr. Chairman, I ask unanimous consent to take up House bill 1201 for the relief of Mary Howard Farquhar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis V. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. Alpheus S. Williams, United States volunteers, at the rate of \$50 per month, in lieu of the pension which she now receives.

The Committee on Invalid Pensions recommended an amendment, striking out, in line 9 of the bill, the word "fifty" and inserting the word "forty."

The amendment was agreed to.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. There is objection, Mr. Chairman.

Mr. MAYBURY. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

LYDIA HADLOCK.

Mr. STEELE. Mr. Chairman, I desire to call up House bill 1142, granting a pension to Lydia Hadlock.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the act of Congress approved March 9, 1878 (20 Statutes at Large, page 27), the name of Lydia Hadlock, of Lexington, Mass., widow of Colburn Hadlock, who served three months in the war of 1812.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GERIAH COLLINS.

Mr. DOCKERY. I call up the bill (S. 891) granting a pension to Geriah Collins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Geriah Collins, formerly of Company D, Thirty-third Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DUNCAN FORBES.

Mr. ROWELL. I call up the bill (H. R. 8336) granting an increase of pension to Duncan Forbes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Duncan Forbes, late a private in Company F, Sixteenth United States Infantry, a pension on account of wound of right breast, in addition to that now received by him for wound of right ankle.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA ROBERTS.

Mr. RIGGS. I call up the bill (H. R. 8111) granting a pension to Rebecca Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rebecca Roberts, widow of Clark Roberts, who was lately surgeon of the One hundred and first Regiment Illinois Volunteers, at the rate provided by the pension laws for widows of surgeons in volunteer regiments.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC FOSSETT.

Mr. PETERS. I call up the bill (H. R. 5261) granting a pension to Isaac Fossett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place the name of Isaac Fossett, late a private in Company K, First Minnesota Cavalry, on the pension-roll, and pay him a pension, subject to the provisions and limitations of the pension laws, from the date of the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA M'LLWAIN.

Mr. ERMENTROUT. I call up the bill (H. R. 7162) granting a pension to Martha McIlwain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha McIlwain, widow of Robert J. McIlwain, late a sergeant of Company K, Eighth Regiment Pennsylvania Reserves.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN SMITH.

Mr. BURROWS. I call up the bill (H. R. 4552) for the relief of Susan Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Smith, widow of ———, late first lieutenant of Company I, One hundred and eighty-fourth Regiment ——— Infantry.

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

Alter the word "of," in line 6, insert "Michael Smith," and after the word "regiment," in line 7, insert the word "Pennsylvania."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN E. DOGGETT.

Mr. MATSON. I call up the bill (H. R. 8372) granting a pension to John E. Doggett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John E. Doggett, son of George R. Doggett, late a private in Company L, Eighth Indiana Cavalry, subject to the provisions and limitations of the pension laws.

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

After the word "cavalry," in line 6, insert "as a dependent child of said soldier, and pay him a pension of \$12 a month."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNA A. PROBERT.

Mr. MORRILL. I call up the bill (H. R. 7703) granting a pension to Anna A. Probert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anna A. Probert, widow of George C. Probert, late a first lieutenant in the Third Ohio Cavalry, and to pay her a pension subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN CORCORAN.

Mr. ELLSBERRY. I call up the bill (H. R. 1815) granting a pension to Ellen Corcoran.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Ellen Corcoran, sister of Eugene Corcoran, late chaplain of the Fifth Regiment Ohio Volunteer Infantry, on the pension-roll at the rate of \$20 per month.

Mr. PRICE. I move to amend this bill by striking out the clause which fixes the rate of pension.

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

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

The Committee on Invalid Pensions, to whom was referred House bill 1815 having had the same under consideration, submit the following report:

Eugene P. Corcoran was chaplain of the Sixty-first Ohio Infantry Regiment and served faithfully from December 4, 1861, to January 25, 1863. When he entered said service he was sound, healthy, and vigorous. In the winter of 1862-'63 he was captured, and subjected to exposure and severe weather without proper clothing or food, and thereby contracted disease of throat and lungs, which resulted in his death after a continuous illness of three years. He returned from the Army a physical wreck, and never afterward grew better.

He was ordained a priest of the Catholic Church about March or April, 1856, at the city of Cincinnati, Ohio.

By the well-known discipline of that church he was not, of course, permitted to marry, and by the equally well-known care exercised by the ecclesiastical authorities of that church to prevent scandals and immoral conduct among its clergy, it became necessary to provide for him a housekeeper whose relations to him would be such as to preclude any and all fears on that head. The applicant, Ellen Corcoran, was his sister. In 1856 this brother and sister entered into

an agreement, with the consent of their parents, and at the earnest request of the late Archbishop Purcell, who was Chaplain Corcoran's ecclesiastical superior. By the terms of this agreement the sister was to take entire charge of all the domestic affairs of the brother during their mutual lives, and to abandon all other vocations and pursuits, to live a life of celibacy, and devote herself wholly and solely to the service of her brother as his housekeeper. In return he was to maintain her, and, if she survived him, to leave her such property as he might own at his death.

This agreement was carried out to the letter. The sister refused many advantageous offers of marriage, and other offers to change her condition, and nursed and cared for her brother during his long illness as devotedly as any wife could have done, and at serious injury to her health, as well as great expense to herself. He made her his sole legatee by will, but left no property. It was all consumed, and mostly, too, by his long illness. Since his death she has remained single, and has had no means of support except her own labor. She is now in advanced years and feeble health.

This brave soldier gave his life to his native country, and performed services as necessary in the eyes of those who received them as were the services of the greatest heroes and commanders of that unhappy war; and his services contributed as much to that perfect discipline, undoubted courage, and consequent victory as any other element of success, the fruits of which are being now enjoyed by a united people. Were the applicant for a nation's gratitude and bounty the wife of such a man, no one would question her right to demand what she now asks as a favor owing to the peculiar circumstances surrounding the matter. It is unique in its facts, and it is doubtful if another such case can be found in the whole United States.

We therefore recommend the passage of the bill.

Mr. PRICE's amendment was read, as follows:

Strike out "twenty," and insert "subject to the provisions and limitations of the pension laws."

Mr. MATSON. That would make the bill inoperative. There is no law providing a pension for a dependent sister of a soldier over sixteen years of age, and this one is over that age. To amend the bill so as to provide for a pension subject to the provisions and limitations of the pension laws would be in effect to make it inoperative. To make it operative a rate must be fixed.

This man was a chaplain; and the bill as reported puts this dependent sister upon the pension-roll at the same rate as the widow of a chaplain, which is \$20 a month. If the bill is to be passed the rate ought to remain as it is.

Mr. PRICE. I had no idea of destroying the bill.

Mr. MORRILL. The rate provided in the bill is the same as that allowed the widow of a chaplain.

Mr. PRICE. I have learned something, and as I had no intention of destroying the bill I will withdraw my amendment.

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

H. E. DUKE.

Mr. PRICE. I call up for consideration the bill (S. 1098) granting a pension to H. R. Duke.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. R. Duke, late a member of Company K, Seventh Regiment of Iowa Volunteer Infantry.

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

K. G. BILLINGS.

Mr. HEMPHILL. I call up for consideration the bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of K. G. Billings, of Lancaster County, South Carolina, formerly a soldier in the Mexican war, the pension to begin at and run from the date of the last payment to the said K. G. Billings.

The amendment of the committee strikes out the following words:

The pension to begin at and run from the date of the last payment to the said K. G. Billings.

Mr. HEMPHILL. Mr. Chairman, I trust the amendment will not be adopted, as it deprives this old gentleman of the back pension he is entitled to for the time he was dropped from the pension-roll. If the amendment be adopted he will be restored to the pension-roll from this date only, while if the amendment be rejected his pension will date back to the time when he was dropped. Unless some good reason is shown why he should be deprived of his back pension I trust the amendment will not be adopted.

Mr. DOCKERY. In these cases I believe it is the uniform practice to apply such a restriction.

Mr. MATSON. If this man has been wrongfully dropped from the pension-roll he ought to be restored as others have been. I do not understand it is the practice to restore them from and after the passage of the act, but on the contrary that where a man is restored to the pension-roll he is restored without limitation.

The proposition to restore to the pension-roll proceeds upon the idea the man has been wrongfully dropped, and justice is to be done to him. It is not the granting of a pension *de novo*, but doing justice where wrong has been committed. I do not understand this bill, therefore, without the amendment contravenes the well-established practice of the House.

Mr. BYNUM. What was the cause of his being dropped from the pension-roll?

Mr. MATSON. That is what I would like to know; and I therefore call for the reading of the report.

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

The Committee on Pensions, to whom was referred the petition of Kennedy G. Billings, asking to be restored to the pension-rolls, and for back pension, submit the following report:

The committee, after examination, find that at the outbreak of the war with Mexico Kennedy G. Billings enlisted as a lieutenant in Captain Canty's company of the regiment of South Carolina Volunteers, and served with distinction during the entire war, and, as is shown by the affidavit of T. J. Mackey, filed in this case, he fought with great bravery, doing honor to himself and his country, and at the time when his company became reduced, by casualties in battle, from one hundred and fifteen to but nine or ten men fit for duty, he voluntarily entered the ranks with a musket and fought at the battles of Chapultepec and at the Garita de Belen in the capacity of a private soldier.

That on the 10th day of January, 1854, a pension was granted said Billings, for services rendered his country in said war, at the rate of \$17 per month, payable semi-annually on the 4th of March and the 4th of September, at the Charleston agency. That the pension so granted him was paid regularly up to the 4th day of September, 1860, when, without assigning any reason, the agent declined to pay him anything more, and he has received no payment on account of said pension since said last-mentioned date.

Your committee are of the opinion that said Billings should be restored to the pension-rolls at the rate of \$17 per month, and to that end report the accompanying bill, with recommendation that it do pass, amended, however, by striking out all after the words "Mexican war," in the seventh line.

Mr. BYNUM. I should like to hear some explanation from the gentleman who made the report why this man was dropped from the pension-roll?

Mr. HEMPHILL. I was informed by the gentleman who made the report he had sent to the Pension Office for the papers connected with the case, and I presume if any reason had been given why this old gentleman was dropped it would have been reported to the House. But so far as the committee is concerned they seemed to have obtained no reason why he was dropped.

Mr. STEELE. Do you know this man yourself?

Mr. HEMPHILL. I do.

Mr. STEELE. Was he loyal during the war?

Mr. HEMPHILL. I think not.

Mr. ROWELL. If he was in the confederate army he certainly should not be paid during that time.

Mr. HEMPHILL. The whole matter is in the report, and it is for the House to decide upon the amendment submitted.

The amendment was adopted.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it pass as amended.

Mr. JOHNSTON, of Indiana. It seems to me there ought to be some reason given why this man was dropped from the pension-roll.

The CHAIRMAN. The amendment striking out that part of the bill has been agreed to, so that it now restores him to the pension-roll from and after the passage of the act.

Mr. JOHNSTON, of Indiana. That is all right, but it is not sufficient.

Mr. PETTIBONE. The report does not show why he was dropped from the pension-roll, and surely we can not cast reflection upon the Pension Office which examined this case as it has all others, and it has not been shown so far that the Pension Office was mistaken. Until that is shown we certainly should not give this man back pension. The bill, I believe, should be recommitted, or at least it should not pass until we know why he was dropped. I move its recommitment to the Committee on Pensions for further consideration.

Mr. MATSON. I rise to a question of order. This matter has been disposed of in the committee; and the motion of the gentleman is not proper in committee. It can only be made in the House.

Mr. PETTIBONE. This bill has not been disposed of. The motion I am aware can not be made in committee.

The CHAIRMAN. The Chair will state that the House was dividing upon the question of laying the bill aside at the time the gentleman addressed the Chair. The Chair had already taken the affirmative vote on the bill as amended, and at that stage the gentleman from Tennessee addressed the Chair.

Mr. BAYNE. The proper time to make the motion is when the bill comes up in the House.

The CHAIRMAN. The Chair will state that it is within the province of any member to make the motion in the House when the bill is reached.

The Chair will again submit the motion on laying the bill aside.

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

CYRUS DUBBS.

Mr. BOUND. I ask consent to call up the bill (H. R. 7407) granting a pension to Cyrus Dubbs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Dubbs, the poor blind brother of Hiram N. Dubbs, late of Company F, Fourth Pennsylvania Cavalry.

The committee recommend the adoption of the following amendment:

Strike out line 5, "subject to the provisions and limitations of the pension laws," and insert "at the rate of \$12 per month."

The amendment was agreed to.

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

MARY F. BLAKE.

Mr. PINDAR. I ask to call up House bill No. 1520, granting an increase of pension to Mary F. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary F. Blake, widow of the late Commodore Homer Crane Blake, United States Navy, from \$30 to \$50 per month, said increase to take effect from and after the passage of this act.

Mr. BYNUM. I should like to have the report read in that case.

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

The claimant is the widow of Homer C. Blake, late commodore in the United States Navy, who died from disease contracted in the service, in the year 1880, after an active and efficient service to his country for forty years. His widow is in circumstances requiring aid and without means of adequate support. She is now receiving pension as such widow of \$30 per month, and asks to have it increased to \$50 per month, and that she be allowed an amount equal to that received by widows of other officers of the rank of commodore. The facts upon which she bases her claim are fully set forth in her petition and affidavits hereto attached and made part of this report, and are sufficient, in the opinion of your committee, to entitle claimant to the increase asked, and we recommend that the bill do pass.

Petition and affidavits are as follows:

Mr. BYNUM. I do not ask to have the petition accompanying the report read, but I wish to ask the chairman of the Committee on Invalid Pensions if it has been usual to grant to the widows of officers of this grade such increased pensions.

Mr. MATSON. I will say to my colleague that it has been the practice, although I think it is a bad one, but nevertheless it has been the practice for many years. I have never favored this legislation, but it has been steadily carried on for ten years past, granting this increase of pension to the widows of general officers both of the Army and Navy.

The question was taken on laying the bill aside; and on a division there were—ayes 27, noes 8.

So (no further count being demanded) the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH COLLINS.

Mr. WHITE, of Minnesota. I desire to call up House bill No. 7728, granting a pension to Mrs. Elizabeth Collins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Elizabeth Collins, widow of William H. Collins, late of Company H, Sixth Regiment of Minnesota Volunteer Infantry, subject to the provisions and limitations of the pension laws.

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

JOHN W. DELP.

Mr. NEECE. I call up the bill (H. R. 4460) to pension John W. Delp.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John W. Delp, late of Company F, First Kansas Volunteers, subject to the provisions and limitations of the pension laws.

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

THOMAS A. ROWLEY.

Mr. BAYNE. Mr. Chairman, I call up House bill 6250 to increase the pension of Thomas A. Rowley.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act Thomas A. Rowley, late a brigadier-general of volunteers, shall be entitled to receive an increase of pension of \$10 per month in addition to the allowance heretofore paid to him, the same to be subject to the provisions and limitations of the pension laws:

Mr. WATSON. I would like to have the report read in this case.

The report (by Mr. SWOPE) is as follows:

Thomas A. Rowley was colonel of the One hundred and second Regiment Pennsylvania Volunteers; promoted to be brigadier-general. He is now in receipt of \$15 per month for injuries received at the battle of Fair Oaks, Va., which disabilities are described as follows by the examining surgeons:

"There is a cicatrix one inch to the left of crest of occipital bone over inferior curved line. The cicatrix is tender, with considerable thickening of periosteum. He complains of pain radiating from cicatrix over left side of head. He states that seven pieces of bone have been removed and discharged from site of wound. He also states that since receipt of injury he has had frequent attacks of hemiplegia. We think the present rating too low—disability one-half."

General Rowley's disabilities have very considerably increased since the above examination. He is now seventy-seven years of age, is partially paralyzed, and in indigent circumstances.

Your committee, considering the serious nature of the wound received in the battle, his helpless condition at present time, which is clearly shown, together with his extreme age and poverty, recommend the passage of the bill.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I will ask if this applicant has not his remedy before the Department for an increase of pension? And I ask this because I understand it has been the rule of this Committee on Invalid Pensions to report no bills here as long as there is a remedy in the Department. I have had some such rulings made against me, and want it to be carried out if it is to be the principle on which these bills are reported.

Mr. BAYNE. Mr. Chairman, I do not suppose this man can be rated

higher than \$15, which amount he is getting now by the Department; and, I presume, the rating is correct, according to the nature of the wound. But the committee undoubtedly favored the increase because of certain circumstances surrounding the case. This man was a worthy and distinguished officer in the Mexican war, and he also served with gallantry and distinction in the late war. He is an old man, seventy-six years of age and upward, and in reduced circumstances. He has been quite unfortunate in business matters, and for these reasons I presume the increase was made.

There is one portion of the bill which I think ought to be stricken from it, and that is the provision which makes it subject to the limitations and restrictions of the pension laws. I therefore move to strike out in the sixth and seventh lines the words:

The same to be subject to the provisions and limitations of the pension laws.

I do this because I think the increase from \$15, which he is now receiving, to \$25 per month with that incumbency upon it would probably make some difficulty in interpreting the bill.

Mr. MATSON. Mr. Chairman, I do not like to quibble about an increase of \$10 to a man who had been severely wounded, but the position the Committee on Invalid Pensions have uniformly taken on such questions has been correctly stated by my colleague, that is to refuse Congressional aid where the applicant has a perfect remedy in the Department. If this bill is to be taken upon the question purely of the man's disability he has a perfect remedy in the office, because if he was entirely disabled from the performance of manual labor and holding the rank of colonel or brigadier-general, he would be entitled to \$30 a month. But the surgeons who have examined him fix the disability at one-half hard labor, and rated him accordingly at \$15 per month; so that those who were competent to determine the character of the disability fix the rate at that amount. Congress, of course, if it thinks proper can with or without reason increase the pension ten or fifteen or any other sum of dollars per month; but the question is whether we can afford to increase a man's pension on our own motion, as against the examination of competent surgeons who have investigated the case and fixed the degree of the disability.

If we undertake that, we are undertaking to do a thing where we must necessarily do great injustice; because no one is as competent as the physicians who make a personal examination of the applicant. My colleague [Mr. JOHNSTON] stated the rule correctly, and that was the reason why I asked for the reading of the report, because I was struck at once by the language of the bill, "to increase the pension \$10 a month."

I will state to the gentleman from Pennsylvania [Mr. BAYNE] that the words in the bill "subject to the provisions and limitations of the pension laws" would not defeat the increase, because the language of the bill is absolute. The bill provides the pension shall be increased \$10 a month, and after that I apprehend the construction would be that the pension would be subject to the provisions and limitations of the pension laws.

Mr. BAYNE. If that is the interpretation of the language of the bill I would have no objection to have these words left in and would not press the amendment.

There are some considerations which make this case exceptional. General Rowley is a man well advanced in life; he is seventy-seven years of age, and he has been very unfortunate. He is in very poor circumstances. He is a man who fought all through the Mexican war. He went into the late war for the Union, and fought all through that war. He is certainly deserving of this consideration. He was a brave and gallant soldier, and is well liked by all his people around him at home; and they would all like to have this consideration extended to him.

Mr. STEELE. Do you not think if these words are left in he would only get the \$15?

Mr. BAYNE. After the explanation of the gentleman from Indiana [Mr. MATSON] I think the proposition is absolute; the \$10 would be added, and then in the event of his disability being increased he might be rated even higher than the \$25 which he will get if the bill becomes law. I withdraw the amendment.

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

MRS. ARLANTA T. TAYLOR.

Mr. BYNUM. I call up for consideration the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arlanta T. Taylor, widow of John T. Taylor, who was a private in Company B, First Engineers Missouri Volunteers.

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

MARY A. VAN ETEN.

Mr. BAKER. I call up for consideration the bill (H. R. 6170) granting a pension to Mary A. Van Etten.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Mary A. Van Etten, widow of James F. Van Etten, late of Company A, Thirteenth Regiment of New York Volunteers.

The bill was laid aside to be reported to the House with a favorable recommendation.

MRS. ANNIE C. OWEN.

Mr. GREEN, of New Jersey. I call up for consideration the bill (S. 1850) granting a pension to Mrs. Annie C. Owen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, and subject to the limitations of the law, the name of Annie C. Owen, widow of Capt. Mortimer B. Owen, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteers.

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

LYDIA S. JOHNSON.

Mr. SAWYER. I call up for consideration the bill (H. R. 8078) for the relief of Lydia S. Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Lydia S. Johnson, of Yates, Orleans County, New York, and a nurse in the Army during the late civil war, and to pay her the sum of \$12 per month.

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

MARY MARSH.

Mr. HAYNES. I call up for consideration the bill (S. 685) granting a pension to Mary Marsh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Marsh, daughter of the late Charles Marsh, of Company A, Fifth New Hampshire Volunteers.

The Committee on Invalid Pensions recommended the following amendments:

After the word "pension-roll," in line 4, strike out the words "subject to the provisions and limitations of the pension laws."

After the word "volunteers," in line 7, insert the words "and pay her a pension at the rate of \$12 dollars per month."

Mr. DUNHAM. I should like to hear the report in that case read. This seems to be an exception to the general rule.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 685) granting a pension to Mary Marsh, have had the same under consideration, and report:

This is a bill for the relief of a soldier's orphaned daughter—one who, from her physical deformities, is totally incapacitated for self-support. The case is set forth as follows in the report of the Senate Committee on Pensions:

"The claimant is the daughter of Charles T. Marsh, late a private in Company A, Fifth New Hampshire Volunteers. The soldier presented his claim to the Pension Office and it was allowed. He soon after died, and his widow made application to the same office. Her application was rejected, on the ground that the disease of the bowels, from which the soldier and husband died, originated after discharge from the service. An examination of the evidence shows clearly to your committee that the said disease originated from the kick of a horse received by the soldier while in the line of duty. This disease is shown to be clearly traceable to and to have existed continuously from the time of the injury received in the service until his death.

"It is the popular impression that in cases of doubt it is well to give the soldier the benefit of the doubt. This is not, however, a case of reasonable doubt. No jury of his countrymen would hesitate for a moment upon the evidence in this case to find that the cause of death originated in the service, and to give to the widow of the soldier the benefit of the pension laws.

"The widow is now also dead, and the bill is for the relief of a deformed and helpless child."

The committee recommend that the bill be amended by striking out all from word "subject," in line 4, to word "laws," in line 5, inclusive; also, insert after word "volunteers," in line 7, the words "and pay her a pension at the rate of \$12 per month," and that as so amended the bill do pass.

The amendments of the committee were adopted.

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

EVELINE HUNT.

Mr. COWLES. I call up for consideration the bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Eveline Hunt, as the widow of Lewis Hunt, deceased, late of Company C, Seventy-sixth Regiment Enrolled Missouri Militia, and the minor children and heirs of the said Lewis Hunt, deceased.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, strike out the word "names" and insert "name:" after the word "militia," in line 8, strike out the words "and the minor children and heirs of the said Lewis Hunt, deceased."

The amendments were agreed to.

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

C. K. HUGHES.

Mr. OSBORNE. I call up for consideration the bill (H. R. 2144) granting a pension to C. K. Hughes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of C. K. Hughes, late major of the One hundred and forty-third Regiment Pennsylvania Volunteers, subject to the provisions and limitations of the pension laws.

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

DAVID M. RENNOE.

Mr. HALSELL. I call up for consideration the bill (H. R. 7914) to increase the pension of David M. Rennoe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of David M. Rennoe, late a private in Company H of the Twenty-ninth Regiment Indiana Volunteers, at \$40 per month, in lieu of the pension now received.

The Committee on Invalid Pensions recommended the following amendment:

In line 7, strike out "\$40" and insert "\$30."

The amendment was adopted.

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

LUCY G. DUTCHER.

Mr. DUNHAM. I call up the bill (H. R. 6430) granting a pension to Lucy G. Dutcher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy G. Dutcher, widow of Nathaniel Dutcher, late of Company D, Twelfth Regiment Wisconsin Volunteers.

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

JACKSON STEWARD.

Mr. STONE, of Missouri. I call up for consideration the bill (H. R. 7979) granting a pension to Jackson Steward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Jackson Steward, late a member of Companies C and E of the Sixth Kansas Volunteers, subject to the provisions and limitations of the pension laws.

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

J. D. HAWORTH.

Mr. HEPBURN. Mr. Chairman, I move to take up Senate bill No. 1253 granting a pension to J. D. Haworth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. D. Haworth, late a member of Company H, Thirty-third Regiment of Iowa Volunteer Infantry, and who was transferred, on account of disability, to Company H, Twenty-first Veteran Reserve Corps.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM POWELL.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I move to take up Senate bill 1420, granting a pension to William Powell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Powell, late a private in Company D, Sixth Regiment of Indiana Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. C. A. BAILEY.

Mr. JOHNSTON, of Indiana. I call up Senate bill 1830, granting a pension to Mrs. C. A. Bailey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. C. A. Bailey, widow of Albert Bailey, deceased, late a private in Company H, Forty-sixth Regiment of Illinois Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CECELIA C. M'KENNA.

Mr. BRECKINRIDGE, of Arkansas. I move to take up House bill 7509, granting a pension to Cecelia C. McKenna.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cecelia C. McKenna, mother of John H. McKenna, late a private in the United States Marine Corps, and pay her a pension at the rate of \$35 per month from and after the passage of this act, the same to be in lieu of the pension now received by her.

The Committee on Invalid Pensions recommended an amendment, striking out, in line 8, before the word "dollars," the word "thirty-five" and inserting "twenty-five."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES L. MILLER.

Mr. HANBACK. Mr. Chairman, I call up House bill 8332, increasing the pension of James L. Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James L. Miller, late of Company C, First Kentucky Cavalry, to \$72 per month.

Mr. BYNUM. I think we had better have the report in that case read.

Mr. MORRILL. Mr. Chairman, the report is very long, and if it will be satisfactory to the gentleman, I will ask my colleague [Mr. HANBACK] to make a statement of the case.

Mr. HANBACK. Mr. Chairman, I can state the case just as it is. This soldier, James L. Miller, lives in the town of Gaylord, in my State. I visited him there last November. He is totally helpless and has been for six years; he is paralyzed. He is now drawing \$50 a month. He requires constant attendance, day and night. He has neuralgia and has to be relieved by the use of morphine; and I can state from personal observation that around his body there is a broad band of cauterized flesh where the injections of morphine have been made. It is the most pitiful sight I ever saw in my life, and the case is just as it is stated in the report and as I have stated it. I do not think the man has long to live; indeed, the wonder is that he has lived so long.

Mr. BRECKINRIDGE, of Arkansas. What family has he?

Mr. HANBACK. He has three or four children. He was a member of Company C, First Kentucky Cavalry.

Mr. BRECKINRIDGE, of Arkansas. Is he the only sick member of his family?

Mr. HANBACK. Yes; but he is sick enough for the whole family. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. The proposition now is to give him \$72 a month?

Mr. PERKINS. If the gentleman from Arkansas [Mr. BRECKINRIDGE] will allow me to make a suggestion, I will state that under the existing law a man who has lost both arms or both feet or both eyes receives \$72 a month; but a man who is absolutely paralyzed and helpless, needing constant attendance, as seems to be the case here, can not get under the existing law a higher pension than \$50 a month. Now this bill proposes to give this man the same pension that would be granted under the law to a man who had lost both arms or both feet or both eyes.

Mr. HANBACK. Mr. Chairman, I desire to state also that I presented this case to the Commissioner of Pensions, and he said that he would be entirely willing, under the evidence before him, to allow this pension at the rate of \$72 a month if he had authority under the law. There is no question at all about the justice of this bill, and I hope the gentleman from Arkansas [Mr. BRECKINRIDGE] will not oppose it.

Mr. BRECKINRIDGE, of Arkansas. Well, let it go.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. HUNTER.

Mr. HAYDEN. Mr. Chairman, I move to take up House bill 5324, granting a pension to John H. Hunter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Hunter, late a private in Company B, One hundred and forty-third Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIHU JONES.

Mr. CANNON. Mr. Chairman, I desire to call up Senate bill 823, granting a pension to Capt. Elihu Jones.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elihu Jones, late captain of Company G, Eighth Regiment Illinois Infantry Volunteers, and pay him a pension at the rate of \$24 per month, in lieu of the pension he is now receiving.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY SULLIVAN.

Mr. HENDERSON, of Illinois. Mr. Chairman, I ask unanimous consent to call up House bill 308, granting a pension to Mary Sullivan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Sullivan, widow of Michael Sullivan, late a private in Company K, Ninety-third Regiment Illinois Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NIRA D. GWYNNE.

Mr. WARNER, of Missouri. Mr. Chairman, I ask unanimous consent to call up House bill 1361, giving a pension to Nira D. Gwynne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Nira D. Gwynne, widow of the late N. M. L. Gwynne, a private in Company H, Thirtieth Regiment Ohio Cavalry, and that she be allowed a pension of \$50 a month from and after the passage of this act.

The amendment by the Senate was read, as follows:

After the word "cavalry" strike out all to the end of the bill and insert the words "and pay her a pension at the rate of twenty-five dollars per month."

Mr. WARNER, of Missouri. Mr. Chairman, I move that this bill be reported to the House with the recommendation that the Senate amendment be concurred in and that the bill do pass.

The motion was agreed to.

M. ROMAHN.

Mr. LA FOLLETTE. I call up the bill (S. 1441) granting a pension to M. Romahn.

Mr. MORRILL. If the gentleman from Wisconsin [Mr. LA FOLLETTE] will yield to me I will move to take up these Senate bills in their order. There are about a dozen of them.

Mr. MATSON. I object to that.

The CHAIRMAN. The bill called up by the gentleman from Wisconsin will be read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Romahn, late a private in Company K, Thirty-seventh Regiment of Iowa Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE CARR.

Mr. SPOONER. I call up the bill (S. 1431) granting a pension to Jane Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Carr, widow of Colwell Carr, late a private in Company F, Thirtieth Regiment of Pennsylvania Volunteers, and Company E, Twentieth Regiment of the Veteran Reserve Corps, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Let us have the report in that case read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1431) granting a pension to Jane Carr, having examined the same, concur in the Senate printed report hereto attached, and recommend the passage of the bill.

The petitioner is the widow of Colwell Carr, late a private in Company F, Thirtieth Regiment of Pennsylvania Volunteers, and who, during his lifetime, received a pension for disabilities incurred while in the service. The petitioner claims that his death, which occurred October 14, 1864, was the result of the disabilities for which he was pensioned.

The widow's claim for pension was rejected by the Commissioner of Pensions for the reason that the mortality certificate, given by Donnel Hughes, M. D., of Philadelphia, attributed the cause of death to cancer of the stomach.

In a subsequent affidavit the same physician testifies as follows: "Previous to making post-mortem examination affiant gave certificate of death, stating cause to be cancer in the stomach. First saw Colwell Carr about two weeks before his death; found him to be suffering from a severe abdominal inflammation of a chronic character. After death made an examination and found he had chronic inflammation of the peritoneum and enlarged and typical palmar liver. From a history of the case and from what was seen during life and from results of post-mortem examination, affiant believes all his ill health and early death were caused from exposure during his service in the Army."

In a subsequent affidavit he says: "My opinion is that the man died from effects of peritonitis caused by the gunshot wound or from exposure at the time of the injury."

There is other medical testimony to the same effect. Your committee report the bill favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. MOORE.

Mr. PERKINS. I call up the bill (S. 1509) granting a pension to William H. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Moore, late of Company F, Thirtieth Regiment of Iowa Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1509) granting a pension to William H. Moore, submit the following report:

Your committee adopt the report of the Senate committee, which is as follows, and recommend the passage of the bill:

"That the claimant, William H. Moore, enlisted August 13, 1862, in Company F, Thirtieth Regiment Iowa Volunteers, and that he was discharged June 5, 1865. Made application for pension April 18, 1881, alleging in his declaration—

"That on or about August 25, 1862, while in the United States service, and in the line of duty at Keokuk, Iowa, he contracted measles."

"The claim was rejected by the Department on the ground that the 'disabilities from which claimant is disabled do not result from the cause alleged, namely, measles, with the exception of nasal catarrh, which is susceptible of proof as having so resulted.'"

"The claimant testifies—

"That five years prior to his enlistment he followed the occupation of a farmer. That for three years after the war was a medical student, and has practiced medicine since. That at Camp Lincoln, Keokuk, Iowa, in 1862, was taken with measles, received a fall while convalescing from same, and while being removed from hospital to camp under the direction of Dr. Hughes (now dead), in which fall he received injuries to his back (lumbar region) from which he never recovered; that after the incurrence of said injury he was kept at headquarters as clerk. Was treated by regimental surgeon, whose whereabouts is unknown. After discharge was treated by Dr. Quigley (now dead); has since taken counsel, but has treated himself. No other disease. Claims that said injuries affect his spinal column; was treated at the medical college hospital, Keokuk, Iowa."

"The soundness of the claimant prior to enlistment is clearly shown by the affidavits of a number of witnesses. Captain Woodson and Lieutenant Miller testify:

"That claimant contracted measles about October, 1862, at Camp Lincoln, Keokuk, Iowa; that he was in the hospital about a month before his health would permit of his return to his company, and while being transferred received injuries to his back (lumbar region) from which he has never recovered."

"Dr. D. B. Allen, surgeon, testifies that he did not keep a record, and can not call to mind any individual cases."

"Dr. Price testifies—

"That he was sound prior to enlistment; that he prescribed for him August 28, 1862, for measles. Affiant was then acting as hospital steward. Remembers conversing with him at his home about his still suffering with pain in his back, result of army service during the summer of 1865. Has not treated him since service; has an impression of treating him at different times while in the service, but can't fix dates; has an indistinct recollection that the claimant reported at sick call at Helena, Ark., in December, 1862."

"Dr. C. G. Lewis testifies—

"That he kept no record and can not call to mind individual cases. That he treated claimant on the steamer Stephen Decatur on the way from Saint Louis, Mo., to Vicksburg, Miss., about December, 1862, for lame back, supposed to be the result of measles, from which he was just recovering."

"Dr. Greenleaf testifies—

"That he was claimant's physician prior to enlistment; saw him at Woodville, Ala., about February, 1864; conversed with him, and he complained of his back hurting him."

"Dr. J. A. Maggood, examining surgeon at Wellington, March 31, 1882, certifies to his belief that the disability originated in the service and rates him at one-fourth total."

"The board at Harper, Kans., under date of April 1, 1885, rates him at \$12 per month, and in addition says:

"We find him suffering from nasal catarrh to such an extent as to completely destroy sense of smell; has also couple of pile tumors, which he says become much aggravated when he is suffering from retention of urine."

"Reports from the Adjutant-General verify presence of all comrades who testify, and letters from postmasters substantiate the credibility of all affidavits."

"Your committee are of the opinion that the claim is clearly established, and recommend the passage of the bill."

Mr. BRECKINRIDGE, of Arkansas. What amount of pension does this bill propose to grant?

Mr. PERKINS. It simply places the man upon the pension-roll subject to the provisions and limitations of the pension laws. The rate will be fixed at the Pension Office, as in the case of other pensioners.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL DALY.

Mr. TAULBEE. I call up the bill (S. 983) granting a pension to Michael Daly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Daly, late of Company B, Eleventh Regiment Wisconsin Volunteers, from and after the passage of this act.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 983) granting a pension to Michael Daly, have examined the same, and adopt the Senate report thereon, and recommend that the bill do pass.

The facts in this case are fully stated in the report of the House Committee on Invalid Pensions, during the Forty-eighth Congress (H. R. Report No. 1598), which we adopt as follows, and recommend the passage of the bill:

Soldier enlisted October 4, 1864, and served in Company B, Eleventh Wisconsin Infantry, until discharged, September 4, 1865.

Declaration for pension was filed July 1, 1881, claimant alleging that he was taken with chills and fever at Montgomery, Ala., about June, 1865, for which he was given large quantities of quinine and other drugs, which so affected him that he was taken with chorea.

Claim was rejected April 21, 1882, upon the ground that alleged disability was incurred since discharged from the service.

James M. Kelly (affidavit filed March 11, 1882), William Charlton (affidavit filed March 11, 1882), and Thomas Kelly (affidavit filed March 11, 1882), testify to soundness at and prior to enlistment.

Lieut. William Charlton, in affidavit filed March 11, 1882, testifies that claimant was a faithful soldier, and contracted his alleged disease (chorea) within one year after his discharge.

Comrade Thomas Mannion, in affidavit filed March 11, 1882, testifies that claimant was taken with fever and ague in June, 1865, while near Montgomery, Ala., and was treated by Surgeon Wilson, deceased. Claimant was sick with ague when he came home and since has been taken with chorea.

Comrade Thomas Kelly corroborates the above.

William Charlton, a resident of Madison, Dane County, Wisconsin, in an affidavit filed March 11, 1882, states that ever since their return from the service he has lived in the same town with claimant, and that claimant has steadily grown worse, and is at present unfitted for manual labor.

James M. Kelly, a resident of Madison, Wis., in an affidavit filed March 11, 1882, states that claimant has suffered from the disease of which he now complains ever since his return from the Army, and that he is now totally disabled.

Dr. William Fox, a resident of Milwaukee, Wis., in an affidavit filed March 11, 1882, states that he prescribed for claimant in 1872, for shaking palsy.

Dr. T. W. Evans, a resident of Madison, Wis., in an affidavit filed March 11, 1882, states that he has repeatedly prescribed for claimant during the past three years for pain in back, cramps, and spasmodic pain in the muscles. He has suffered from chorea during the period of affiant's acquaintance and has been totally disabled.

Although this claimant has no hospital record, still his lieutenant and two comrades testify to contraction of alleged disease in the service, and he has good evidence as to continuance of same ever since up to the present time.

The board of examining surgeons who examined claimant February 15, 1882, state that claimant, in their opinion, is totally incapacitated for obtaining his subsistence by manual labor from the cause stated—chorea, resulting from chills and fever. They also state that the disability is permanent, and in their opinion that said disability originated in the service and in line of duty. They state his disability as total.

Burr W. Jones, M. C., third Congressional district, Wisconsin, states that claimant is a resident of his city, Madison, Wis., and is in a helpless condition from progressive paralysis. The family are very poor and suffering, and they have no income except from the earnings of one daughter as a servant.

Taking into consideration all the evidence filed and the surgeon's certificate, the committee feel it their duty to report in favor of this bill.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask the chairman of the Committee on Invalid Pensions [Mr. MATSON], or any other gentleman who may have charge of this bill, why the Pension Bureau here, upon the certificate of the board of surgeons, which is cited in the report, did not grant this man a pension. I do not profess to be familiar with the pension laws. I suppose very few members of the House are so. Hence I seek this information.

Mr. MATSON. All I know of this case I learn from the report, which was prepared by the gentleman from Michigan [Mr. WINANS], who is not now present. If I remember the report correctly it states that the claim in this case was rejected at the Pension Bureau on the ground that the disability had been contracted since the expiration of the soldier's term of service.

Mr. BRECKINRIDGE, of Arkansas. But it appears in the report that since that rejection a board of physicians or surgeons convened, perhaps in Madison, Wis.—an examining board, I suppose, such as we are familiar with—delivered an opinion that the disability of the claimant was the result of sickness contracted during the war. Now, what is the defect in our pension laws that prevents this man from getting a pension, in view of that certification?

Mr. MATSON. Mr. Chairman, the board of pension examining surgeons are furnished with blanks upon which they make their certificates; and in one place the blank calls for a statement of opinion on their part as to whether the disease is likely to have resulted from military service. The opinion which the members of the board express is not based upon any hearing of evidence. It amounts to nothing more than an opinion from a physical examination of the applicant.

Mr. BRECKINRIDGE, of Arkansas. Which is subject to revision here?

Mr. MATSON. Oh, certainly. There is nothing conclusive about it. Mr. BRECKINRIDGE, of Arkansas. And that is accepted here only as an opinion, not as direct evidence.

Mr. MATSON. The gentleman is correct.

Mr. BRECKINRIDGE, of Arkansas. I will urge no objection to granting a pension in this case, though it was refused by the Pension Bureau in 1882. The man is, I have no doubt, a very worthy and a very suffering citizen, though as a soldier he entered the Army as late as October, 1864, and was never in battle, his only service consisting, perhaps, in being subjected to attacks of chills down in the cotton-belt. Notwithstanding the reflection cast upon the opinion of the examining board by the Pension Bureau, where their opinion is revised by competent surgeons, I do not dispute this man's claim to a pension. At the same time I do not believe he has rendered any measure of service that places the country under any particular obligation to him, for he never fought a battle or fired a gun.

But it is a strange thing for a man from the South, who lived on chills and fever part of his life, to say a few chills produced all these disastrous effects. I have known many cases of people who had chills, and never yet knew one who had the experience this applicant has had or who received such permanent and far-reaching effects.

I have no doubt the Pension Bureau was correct; but here is a case where there is undoubtedly a state of suffering. I dissent from these proceedings, and believe very many of these cases are impositions upon the honest pensioners. I will let this pass without further objection.

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

WILLIAM P. SQUIRES.

Mr. SYMES. I call up bill (S. 1227) granting an increase of pension to William P. Squires.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitation of the pension laws, the name of William P. Squires, late of Company C, Seventy-fifth Illinois Volunteer Infantry, at the rate of \$45 per month, in lieu of the pension he is now receiving.

The CHAIRMAN. This bill has been reported from the Committee on Invalid Pensions to strike out "fifty" and insert "forty-five" dollars per month.

The report of the committee (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1227) granting an increase of pension to William P. Squires, submit the following report:

The claimant enlisted August 9, 1862, and was discharged March 6, 1865. At battle of Stone River he received a gunshot wound in hand, destroying the usefulness of that member. Afterward, at Lovejoy Station, he was wounded in the left leg, making an amputation necessary. Gangrene set in, rendering it nec-

essary to perform three subsequent amputations. He refused to receive a discharge and served until the close of the war.

Under the general law he can only receive a pension for the loss of the leg. This bill proposes to give claimant a pension of \$50 per month. It is not shown that he required the personal attention of another person.

Your committee recommend the passage of the bill with an amendment striking out "fifty" and inserting "forty-five."

[Senate Report No. 261, Forty-ninth Congress, first session.]

We find that claimant enlisted August 9, 1862, and was discharged March 6, 1865; that he received a gunshot wound in his hand at the battle of Stone River, and afterward, at Lovejoy Station, he was wounded in the left leg, making necessary an amputation of that limb. Gangrene set in, rendering it necessary to perform three subsequent amputations. He is now receiving the pension allowed for the loss of that limb. The man refused to receive the discharge offered him after his first wound, and bravely continued in the service. He is clearly entitled to pension for both disabilities and we recommend the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. How much pension is this man receiving now?

Mr. MORRILL. He is receiving \$30 a month for the loss of a leg above the knee. He also lost a hand, but is not receiving anything therefor, because the Pension Office can not under existing law pension for both disabilities.

His leg was amputated, but gangrene set in and he was compelled to have it amputated twice more, destroying his physical health completely.

Mr. BRECKINRIDGE, of Arkansas. He is a very gallant and meritorious man so far as the report is given of him. He is receiving now \$30 a month?

Mr. MORRILL. There is no rate between \$30 a month and \$50 a month. The man who lost a leg above the knee or an arm above the elbow is pensioned at \$30 a month. For total disability—total inability to perform manual labor—the pension is \$50 a month. There is no rate between \$30 and \$50. This man does not require the attention of one person all the time, and therefore we have fixed the rate at \$45 a month, the law allowing where the attention of one person is required all the time \$50 a month.

Mr. BRECKINRIDGE, of Arkansas. Has this man a family?

Mr. MORRILL. He has.

Mr. BRECKINRIDGE, of Arkansas. How many children?

Mr. MORRILL. I do not know; two or three.

Mr. BRECKINRIDGE, of Arkansas. Are they dependent upon him?

Mr. MORRILL. He is a poor man and has nothing to live upon but his pension.

Mr. BRECKINRIDGE, of Arkansas. How much did he make when in full health?

Mr. MORRILL. He is a bright, intelligent man, who would make a living anywhere if he was able to perform any duty.

Mr. BRECKINRIDGE, of Arkansas. What was his rank during the war?

Mr. MORRILL. I saw the man when he was here.

Mr. BRECKINRIDGE, of Arkansas. I think the law is liberal enough.

Mr. MORRILL. This man lost not only a leg, but he lost a hand. The man who lost a leg by amputation gets \$30 a month.

Mr. MATSON. I agree with the gentleman from Arkansas, the law is liberal for a man who lost a leg. This case is another thing, and the law is deficient in not providing for it. He has not only lost a leg, but he has also lost a hand. The bill has not granted him a total disability pension, such as is granted in cases requiring the aid and assistance of another person, but only \$45 a month.

Mr. BRECKINRIDGE, of Arkansas. Why does not the law make provision of the kind suggested?

Mr. MATSON. I have had a bill prepared, and have had for some time, to remedy the defect in the law.

I think it is manifestly unjust that a man who has a leg off and other wounds should only receive the same pension as one who has only lost a leg; but such is the law, and we have been passing these special cases for relief. It seems when a man who has lost a leg and hand he is more deserving than the man who has merely lost a leg.

Mr. BRECKINRIDGE, of Arkansas. Do you uniformly fix the amount at \$45 when you pass such bills?

Mr. MATSON. We have graded them according to the degree of disability, as shown by the medical examination. Sometimes \$45. This evening, for instance, we passed a bill raising a pension from \$24 to \$30 a month in the case of a soldier who had one leg wounded and the ball passed through the other foot, practically disabling him completely. In each case, however, we try to regulate the pension by the degree of disability shown in the medical testimony. In this case this man has had not only the wound in his foot which required amputation, and the subsequent additional amputations owing to the improper healing of the stump, three amputations in all, which completely shattered his general health, but he had the gunshot wound in his hand, completely disabling that, and so we fixed the amount at \$45—not quite up to the standard of entire disability.

Mr. JOHNSTON, of Indiana. I understand this to be a Senate bill fixing the amount of the pension in this case at \$50 a month, and the committee here propose to amend it by reducing the amount to \$45.

Mr. MATSON. Yes, sir.

Mr. JOHNSTON, of Indiana. I am opposed to the amendment under the circumstances. This is a case where the soldier lost a leg and one arm.

Mr. MORRILL. No; lost a hand.

Mr. JOHNSTON, of Indiana. Well, it is practically the same thing. Now, if he had been a captain or a lieutenant or a colonel or a major there would not be, I take it, in accordance with the precedent here established, any questions raised about his pension being increased to \$50 a month. We have already passed one bill here to-night raising a pension for a widow, who has no disability, from \$30 to \$50 a month. We have passed another bill here to-night, a Senate bill, for the pension of a widow whose husband did not die from the effect of wounds or injury contracted in the Army, but simply because he was a brave man and held a certain position; and I would like to see a pension bill pass here once where the merits and rights of a private soldier could be recognized. If there ever was a man who is entitled to a pension of \$50 a month this man certainly is, wounded as he has been; and I am opposed to concurring in the amendment and want it left at \$50, the amount fixed by the Senate.

Mr. MATSON. If my colleague from Indiana will permit me a moment I think I can explain to him so that he can see the reason why this was done. If this man was entitled to \$50 a month there would be no need of our legislation at all; and that is the reason that we reduced the Senate bill to \$45, because if the disability was such as to entitle him to a rating of \$50 per month he could get it under the present law from the Department. That is the reason we did not adopt the Senate bill.

Now, so far as saying that if he was an officer of higher rank there would not have been any objection to the increase of the pension, let me inform my colleague that the general law makes no distinction in so far as these higher grades of pensions are concerned, but the distinction is only with reference to the lower grades. Congress has not shown any disposition to fix these rates, as the gentleman seems to imagine, by special acts; because where the law fixes the grade, and the disability is sufficient to warrant the pension, there is no need for legislation. I think, therefore, the amendment is right.

Mr. JOHNSTON, of Indiana. Let me ask if we have not the power to increase the pension?

Mr. MATSON. Oh, yes; we have the power to make it a thousand dollars if we want to.

Mr. JOHNSTON, of Indiana. Then why should not this man have this pension as well as any other man?

Mr. MATSON. Because the Pension Office could give him \$50 if he was entitled to it; and that is the reason we objected to the Senate bill.

Mr. JOHNSTON, of Indiana. You admit the proposition that if he was an officer he would be entitled to it?

Mr. MATSON. If necessary to get on with the public business we will admit anything.

The amendment was agreed to.

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

MARGARET O'CONNOR.

Mr. ROMEIS. I call up House bill 6278, granting a pension to Margaret O'Connor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret O'Connor, late widow of James Hackett, deceased, late of Company G, Eighth Pennsylvania Cavalry Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. SWOPE) is as follows:

James Hackett enlisted September 12, 1861, in Company G, Eighth Regiment Pennsylvania Cavalry Volunteers, and was killed February 7, 1864.

His widow, claimant, applied for pension, but the bureau rejected her claim "upon the ground that the soldier being absent from his command, away from the control of his officers and the protection of his comrades, can not be considered as having been within the line of duty at the time of his death. The cause of the soldier's death was not incident to or in any way connected with his military service."

The marriage of James Hackett, the soldier, to the claimant is shown by the affidavit of the officiating magistrate.

The Adjutant-General reports:

"This man, while in Philadelphia, Pa., on the 7th of February, 1864, the regiment being at home for the purpose of receiving veteran furloughs, and before the furloughs were given, was found dead near the navy-yard. Cause of death and circumstances attending same unknown, beyond the fact that the coroner's inquest developed the existence of poison in the stomach, and that the soldier was seen the night before in the company of a stranger upon whose person, when arrested, was found a pair of shoes which it was believed was the property of the deceased. The said stranger escaped from arrest and was not retaken."

John E. Kane, late lieutenant of Company E, Eighth Pennsylvania Cavalry, testifies:

"That Company G, with other companies of that regiment, was, on February 2, 1864, relieved from duty in the Army of the Potomac in accordance with special orders and ordered to report to the governor of Pennsylvania, by reason of re-enlistment. That in pursuance of said orders, deponent, with his company, under Captain Howard, now deceased, went to Harrisburg, and were ordered to report to Major Gilbert, Philadelphia, Pa., for furloughs, and arrived at Philadelphia about 12 o'clock m. Were received by the mayor, military, and public.

That said James Hackett came to deponent and talked with him, asked deponent to take his money, which deponent declined to do, having taken charge of a large sum for other men in the field to convey to their families. This occurred about 6 o'clock p. m. Deponent returned to the State-house, leaving James Hackett at the Soldier's Rest, and saw him no more that night. James was perfectly sober, and known as a sober man. That deponent saw James the next morning about 8 or 9 o'clock at the Union street station-house a corpse. That he was present at the post-mortem examination; that the evidence before the coroner's jury showed that the body was found near the navy-yard among some timber. The physician testified there was poison in the stomach. That the detachment had not yet reported to Major Gilbert for their furloughs, and was under the command of its officers, and James was with the organization at the date of his death. Deponent made a personal examination of his person and clothes, but not one cent was found. That he was poisoned and robbed was the belief of all who knew the circumstances."

Your committee hereto attach the petition of the claimant:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, Margaret O'Connor, whose post-office address is 266 Washington street, in the city of Williamsport, and State of Pennsylvania, respectfully represents that she was the widow of James Hackett, who enlisted on the 12th day of September, 1861, to serve three years, or during the war, in Company G, Eighth Pennsylvania Cavalry Volunteers, and who served faithfully therein until December 15, 1863, when he re-enlisted in the same company and regiment as a veteran and received a thirty days' furlough, returning to Philadelphia, Pa., with a majority of his company, by order of the Adjutant-General, United States Army, at Washington, D. C., and the adjutant-general, State of Pennsylvania.

While at Philadelphia, on the night of February 6, 1864, the said James Hackett and a squad of his comrades started for some theater; but after going some distance, he left them, saying he would return to the Soldiers' Home, where they were quartered. He turned back, and that was the last seen of him until about 2 o'clock in the morning, when he was found in a vacant lot not far from the Soldiers' Home, apparently having just died, his boots and money taken from him. The coroner's inquest showed he had been chloroformed, which caused his death.

The furloughs were not issued to the said Hackett and his comrades until the 9th of February, 1864, and they were all under the command of their officers, and were until they received their furloughs.

Your petitioner has been denied a pension upon several applications, upon the grounds that the soldier was not in line of duty, the fact of his being in the United States service not being questioned.

Your petitioner prays for the passage of a special act granting her a pension from the 6th day of February, 1864, the date of her former husband's death, until June 5, A. D. 1866, the date of her remarriage; also a pension for her two daughters, Mary Ann Hackett and Bridget Hackett, from February 6, 1864, until the time they were sixteen years of age.

MARGARET O'CONNOR.

This seems to your committee a clear case. Soldier was in the service of the United States at the time he met his death; he was undoubtedly murdered and robbed. That he was not in the line of duty at the time is a mere surmise, and not substantiated by any proof whatever; on the contrary the evidence shows that he declined to accompany his comrades to the theater, and left them to return to his quarters at the Soldiers' Home.

Your committee report favorably, and recommend the passage of the bill.

Mr. DUNHAM (before the Clerk had concluded the reading of the report). I think perhaps a statement could be made in much less time than the report could be read.

Mr. BRECKINRIDGE, of Arkansas. Well, let some statement be made. I have no objection. Here is the case of a widow who married again and may have married affluently for all the House knows. There is no statement or explanation at all about the claim. The gentleman can make a statement if he prefers.

The CHAIRMAN. The Clerk will read the report.

The Clerk resumed and concluded the reading of the report as above.]

Mr. BRECKINRIDGE, of Arkansas. I want to ask one or two questions about this case. Who is sponsor for this bill?

Mr. BROWN, of Pennsylvania. I introduced the bill.

Mr. BRECKINRIDGE, of Arkansas. This applicant, I believe, has married again.

Mr. BROWN, of Pennsylvania. It seems she has married again.

Mr. BRECKINRIDGE, of Arkansas. That is in evidence in the case.

Mr. BROWN, of Pennsylvania. I judge from the name she has married again.

Mr. BRECKINRIDGE, of Arkansas. I supposed the gentleman knew all about the case.

Mr. BROWN, of Pennsylvania. I do not.

Mr. BRECKINRIDGE, of Arkansas. Who knows anything about it?

Mr. BROWN, of Pennsylvania. The committee seem to have had a pretty good understanding about it.

Mr. BRECKINRIDGE, of Arkansas. Who is here to speak for the committee?

Mr. BROWN, of Pennsylvania. Dr. SWOPE made the report, but that gentleman is not here.

Mr. BRECKINRIDGE, of Arkansas. Very well. I wish now to inquire what is the law in regard to the widow of a man who died in the service receiving a pension when she marries again.

Mr. MATSON. The law is that she is dropped from the rolls when she remarries; and in case of the death of the second husband she is not restored to the pension-roll. Formerly she was restored in that case.

Mr. BRECKINRIDGE, of Arkansas. As long as she is a widow and is entitled to a pension because of her husband's death she would receive a pension till her remarriage?

Mr. MATSON. I will ask the gentleman from Arkansas to consent that this bill be laid aside informally, as the gentleman who reported it is not here. There may be some circumstances he may desire to know in

regard to it which I can not answer as well as the gentleman from Pennsylvania [Mr. SWOPE]. I ask unanimous consent that the bill be laid aside informally without losing its place on the Calendar.

Mr. BRECKINRIDGE, of Arkansas. There seem to be two shortcomings in this case. One is that, according to several decisions on the part of the Pension Bureau, the death of this soldier was not of such a character as entitled the applicant to a pension. The next is that she has married again, and had she been entitled to a pension she would have forfeited her right to it by that act. This may be a small matter, but we are paying sixty or seventy millions of dollars a year for these small matters, and we want to exclude all the small matters that are not meritorious. I have no objection to this bill being laid aside informally.

Mr. ERMENROUT addressed the Chair.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] has made a request for unanimous consent, which must be submitted without debate, that the bill be laid aside informally without losing its place on the Calendar. Is there objection?

There was no objection.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had the Private Calendar under consideration, had instructed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

- A bill (H. R. 1142) granting a pension to Lydia Hadlock;
- A bill (H. R. 8336) granting an increase of pension to Duncan Forbes;
- A bill (H. R. 8111) granting a pension to Rebecca Roberts;
- A bill (H. R. 5261) granting a pension to Isaac Fossett;
- A bill (H. R. 7162) granting a pension to Martha McIlwain;
- A bill (H. R. 4703) granting a pension to Anna A. Probert;
- A bill (H. R. 1815) granting a pension to Ellen Corcoran;
- A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
- A bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins;
- A bill (H. R. 4460) to pension John W. Delp;
- A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;
- A bill (H. R. 7310) granting a pension to Mrs. Arlanta F. Taylor;
- A bill (H. R. 6170) granting a pension to Mary A. Van Etten;
- A bill (H. R. 8078) for the relief of Lydia S. Johnson;
- A bill (H. R. 2144) granting a pension to C. K. Hughes;
- A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;
- A bill (H. R. 7979) granting a pension to Jackson Steward;
- A bill (H. R. 8332) increasing the pension of James L. Miller;
- A bill (H. R. 5324) granting a pension to John H. Hunter; and
- A bill (H. R. 308) granting a pension to Mary Sullivan.

Bills of the following titles were reported from the Committee of the Whole House with amendments. The amendments were adopted; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

- A bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker;
- A bill (H. R. 7931) increasing the pension of Clark Boon;
- A bill (H. R. 1201) for the relief of Mary Howard Farquhar;
- A bill (H. R. 4552) for the relief of Susan Smith;
- A bill (H. R. 8372) granting a pension to John E. Doggett;
- A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;

- A bill (H. R. 7407) granting a pension to Cyrus Dubbs;
- A bill (H. R. 7914) to increase the pension of David M. Rennoe; and
- A bill (H. R. 7509) granting a pension to Cecilia C. McKenna.

Amendments to Senate bills of the following titles, reported from the Committee of the Whole House, were severally agreed to as amended; and the bills were read the third time, and passed:

- A bill (S. 823) granting a pension to Capt. Elihu Jones;
- A bill (S. 891) granting a pension to Geriah Collins;
- A bill (S. 983) granting a pension to Michael Daly;
- A bill (S. 1098) granting a pension to H. R. Duke;
- A bill (S. 1850) granting a pension to Mrs. Annie C. Owen;
- A bill (S. 1253) granting a pension to J. T. Haworth;
- A bill (S. 1420) granting a pension to William Powell;
- A bill (S. 1830) granting a pension to Mrs. C. A. Bailey;
- A bill (S. 1441) granting a pension to M. Romahn;
- A bill (S. 1431) granting a pension to Jane Carr; and
- A bill (S. 1509) granting a pension to William H. Moore.

Amendments to Senate bills of the following titles, reported from the Committee of the Whole House, were severally agreed to, and as amended the bills were ordered to a third reading, and accordingly read the third time, and passed:

- A bill (S. 685) granting a pension to Mary Marsh;

A bill (1227) granting an increase of pension to William P. Squires; and

A bill (1539) [title amended so as to read "A bill granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased;"]

The bill (H. R. 1361) giving a pension to Nira D. Gwynne was reported from the Committee of the Whole with Senate amendments.

The amendments were agreed to, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House then, on motion of Mr. MATSON (at 9 o'clock and 50 minutes p. m.), adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Elias Edwards, executor of Elias Edwards, deceased, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of Mary E. Jones, of Alexandria; of Thomas K. Smith, of Rapides Parish; of W. C. Johnson, son of Samuel K. Johnson, deceased; and of Frances Carr, widow of Carter Carr, deceased, of Alexandria, La., asking that their war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claims of Carter Carr, of Samuel K. Johnson, of Mary Jones, executrix of Fannie Burgess, and of Thomas K. Smith, of Rapides Parish, Louisiana—to the same committee.

By Mr. BOUND: Petition of Mary A. Block, of Harrisburg, Pa., for pension—to the Committee on Invalid Pensions.

By Mr. W. W. BROWN: Memorial of Grange No. 384, Patrons of Husbandry, of McKean County, Pennsylvania, for the suppression of the sale and manufacture of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same against the admission, free of duty, of raw agricultural products—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of the Chicago Live-Stock Exchange, opposing the taxing of oleomargarine—to the Committee on Agriculture.

Also, petitions of bankers, merchants, manufacturers, and leading citizens of New York city, favoring the appropriation made by the United States Senate to steamships for carrying the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. CAINE: Petition of 1,795 citizens of Davis County, Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory by disfranchising them through test-oaths on account of their religious belief, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. DUNHAM: Resolutions of the Produce Exchange of Chicago, Ill., signed by George W. Linn, president, and R. M. Littler, secretary, favoring bill 8328, to tax oleomargarine—to the Committee on Agriculture.

Also, resolutions adopted at a joint session of Knights of Labor Assemblies Nos. 4080, 1297, 4052, 4327, 5449, 5959, and 1912, of Chicago, Ill., opposing the bill No. 8328, to tax oleomargarine—to the same committee.

By Mr. ELY: Petition of E. D. Howe and 31 others, for taxing oleomargarine—to the same committee.

By Mr. ERMENROUT: Memorial of E. H. Baines, against legislation prohibiting the manufacture of oleomargarine—to the same committee.

By Mr. EVERHART: Petition of citizens of Phoenixville, Chester County, Pennsylvania, praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Papers relating to the claim of Jasper Gall, of Iberia Parish, Louisiana—to the Committee on War Claims.

By Mr. W. J. GREEN: Petition of executor of Joseph Wilson, deceased, of Sampson County, North Carolina, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. GROUT: Petition of N. H. Ricker and 67 others, citizens of Ryegate, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. T. J. HENDERSON: Petition of T. J. Rich, M. D., and others, of Union County, Illinois, praying for the passage of an act granting a pension to Elizabeth Haine, widow of Robert R. Haine, and arrears of pension—to the Committee on Invalid Pensions.

Also, petition of J. P. Lytle, M. D., and others, citizens of Bureau County, Illinois, praying for the enactment of such laws as will prevent epidemics—to the Committee on Commerce.

By Mr. HITT: Memorial and resolutions of the Chicago Produce Ex-

change, in favor of legislation against fraudulent production and sale of imitations of butter—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of Joel S. Winans and 53 others, asking for the passage of a law to regulate the sale of all imitations of butter—to the same committee.

By Mr. LEHLBACK: Petition of the Women's Indian Association of Northern New Jersey, asking for the passage of Senate bill 53, for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

Also, memorial of Grange No. 104, of New Jersey, asking for legislation to suppress the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, asking for the same protection to agricultural products that is accorded to other industries—to the Committee on Ways and Means.

By Mr. LIBBEY: Petition of Moses Dawley, for a pension—to the Committee on Invalid Pensions.

Also, petition and affidavits in the claim of R. E. Bennett—to the Committee on War Claims.

Also, letter of Mary E. Parker relative to claim—to the same committee.

Also, papers relating to the claim of William E. Carhart, of Norfolk County, Virginia—to the same committee.

By Mr. MATSON: Petition of Mary Lawson, for a pension—to the Committee on Invalid Pensions.

By Mr. MORRISON: Memorial of the Chicago Produce Exchange for legislation in the dairy interests—to the Committee on Agriculture.

Also, memorial of the Chicago Board of Trade against the oleomargarine bill—to the same committee.

By Mr. NEECE: Resolution of the Produce Exchange of Chicago, praying for the passage of the Scott bill prohibiting the manufacture of imitation butter—to the same committee.

By Mr. O'FERRALL: Petition of Joseph Cleit, of Bridgewater; of Lucinda J. Thompson, daughter and heir of Lucinda Robbins, and of John Brewer, of Madison County; of Solomon Beery, of Cross Keys; of Emanuel M. Hoover, of D. B. Wampler, son of Samuel H. Wampler; of Jacob A. Huntberry, administrator, and of Curtis Yates, of Rockingham County; of Samuel Roller, of Shenandoah County; of Samuel Fetzer, of Harrisonville; of Thomas W. Russell, of Clark County; of Harrison Fauber, of Tom's Brook; of John Sours, of Page County; of John A. Walter, son and heir of Harriet J. Walter, of Rappahannock County; of Sarah Ambrose, of Capon Roads; of John T. Hattel, of Mount Olive, and of W. K. Abbott, of Broadway, Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of Joseph D. Long, late of First Regiment Kentucky State Troops—to the Committee on Military Affairs.

By Mr. RICE: Petition of citizens of Shrewsbury, Mass., in favor of a bill regulating the traffic in oleomargarine—to the Committee on Agriculture.

By Mr. SENEY: Remonstrance of Chicago Live Stock Exchange against taxing oleomargarine and butterine—to the same committee.

By Mr. SCOTT: Petition of Granges Nos. 55, 106, 236, 320, 407, and 656, Patrons of Husbandry, of Pennsylvania, urging the passage of the bill to restrict the manufacture and sale of counterfeit butter—to the same committee.

Also, petition of same, protesting against the admission of agricultural raw materials free of duty—to the Committee on Ways and Means.

By Mr. SEYMOUR: Memorial of Sherman Kimberly and others, citizens of Torrington, Conn., favoring the enactment of committee bill concerning oleomargarine, &c.—to the Committee on Agriculture.

By Mr. SWOPE: Petition of 32 business men of York, Pa., asking for the enactment of laws to enable the National Board of Health to employ all the power and resources of the Government which can be lawfully exercised to prevent epidemics—to the Committee on Commerce.

By Mr. TAULBEE: Petition of Adam Feltner, for relief—to the Committee on Invalid Pensions.

By Mr. TUCKER: Papers relating to the claims of Jacob Stover; and of David Buchanan, of Augusta County; and of Zachariah F. Calbreath, of Fishersville, Va.—to the Committee on War Claims.

By Mr. TURNER: Petition of Hon. Henry Gay and others, citizens of Colquitt County, Georgia, for Federal aid to common schools in the States—to the Committee on Education.

By Mr. MILO WHITE: Petition of McIntire Post, No. 66, and of John Ball Post, Grand Army of the Republic, in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. WISE: Papers relating to the claim of Loftin D. Allen, of Henrico County, Virginia—to the Committee on Claims.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. BUCK: Of Timothy Sedgwick and others, of West Hartford; of Clinton Phelps and others, of East Granby; of H. W. Ladd and others, of Windsor; of H. L. Heyden and others, of Windsor; and of Daniel Webster and others, of Berlin, Conn.

By Mr. FREDERICK: Of citizens of Raymond, of Madison County, of Decora, of Hoyleston, of Manly, of Ellsport, of New Hartford, of Vanmeter, of Washington, of Bowen, of Longworthy, of Red Oak, of Denison, of Nashville, of Saint Lucas, and of Wellman, Iowa.

By Mr. HISCOCK: Of citizens of Norwich, of Helena, of Conewango, of Bennerford, of Coventryville, of Bangor, of New York, of Moore's Ford, of Warsaw, of Otsego County, of Herkimer County, of Chateaugay Lake, of North Pitcher, and of East Homer, N. Y.

By Mr. McMILLIN: Of G. W. G. Brown, of Tazewell, Tenn., and others.

By Mr. PRICE: Of citizens of Wautoma, of Brandon, and of Waupun, Wis.

By Mr. SCOTT: Of citizens of London and of Russell, Pa.

By Mr. SPRINGER: Of citizens of Charleston and of Lanark, Ill.

By Mr. SWOPE: Of citizens of Hosensack, of Rogers' Ford, of Plumsteadville, of Elkland, of Knoxville, of East Greene, of Guy's Mills, and of Thompsonstown, Pa.

By Mr. WAIT: Of citizens of Middleton, of East Grandy, of Rockville, and of Northfield, Conn.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. W. W. BROWN: Of citizens of McKean County, Pennsylvania.

By Mr. LEHLBACH: Of citizens of Newark, N. J.

By Mr. LIBBEY: Of citizens of Southampton County, Virginia.

By Mr. RICE: Of citizens of Worcester County, Massachusetts.

By Mr. SCOTT: Of citizens of Erie County, Pennsylvania.

By Mr. SWOPE: Of citizens of York County, Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, May 15, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

ECLIPSE OF THE SUN.

The SPEAKER laid before the House a bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886; which was referred to the Committee on Naval Affairs.

HOSPITAL STEWARDS, UNITED STATES ARMY.

The SPEAKER also laid before the House a bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance; which was referred to the Committee on Military Affairs.

GEORGE E. W. SHARRETT.

The SPEAKER also laid before the House a bill (S. 1069) for the relief of George E. W. Sharretts; which was referred to the Committee on Claims.

RIGHT OF WAY, JAMESTOWN AND NORTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House a bill (S. 1057) granting the right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota; which was referred to the Committee on Indian Affairs.

WILLIAM J. SMITH.

The SPEAKER also laid before the House a bill (S. 13) for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee; which was referred to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:
To Mr. NORWOOD, an extension of his leave for ten days, on account of important business.

To Mr. LITTLE, for this day.
To Mr. HENLEY, indefinitely, on account of sickness.
To Mr. ROBERTSON, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. ERMENTROUT, by unanimous consent, obtained leave for Captain Cone to withdraw papers filed with the Committee on Commerce in relation to House bill 1984.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take up from the Private Calendar for present consideration Senate bill 1484,