

HAM] asks unanimous consent that leave be granted to all members desiring to do so to print remarks on the bill now under consideration. Is there objection? The Chair hears none.

Mr. REID, of North Carolina. I renew the request that leave be granted to all members desiring it to print remarks on the bills which have been passed to-night. I hope the objection which has been made will not be pressed.

Mr. WINANS. I object.

The SPEAKER. The hour of 11 o'clock having arrived, the House, in accordance with its previous order, stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. G. E. ADAMS: Memorial of the American Humane Association, on transportation of livestock—to the Committee on Commerce,

By Mr. BARRY: Petition of John Young; of B. R. Boydstone, administrator of H. U. Kerr, deceased; of Mrs. Ann C. Weatherly, widow of Joseph A. Weatherly, deceased; of Samuel H. Miller; of Mrs. Hettie E. Ladd, formerly Black; of William Taliafero; and of Narcissa Tarver, widow, and others, heirs of Robert Tarver, of Yalobusha County; of Phil. Davis and of John White, of Chickasaw County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CROXTON: Petition of Annie M. Smith, of Accomack County, Virginia, requesting that her war claim be referred to the Court of Claims—to the same committee.

By Mr. CUTCHEON: Memorial of Merritt Lewis, of Lansing, Mich., praying for the passage of House bill increasing his pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Testimony in support of House bill granting a pension to Harmon Day—to the same committee.

By Mr. MATSON: Petition of N. B. Graham, for a pension—to the same committee.

By Mr. PEEL: Petition of Avery Marrs, of Washington County, Arkansas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Evidence in the claim of Jesse G. Hamilton, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. RANNEY: Petition of Alfred Bloxham, for an invalid pension—to the same committee.

By Mr. ST. MARTIN: Petition of Jane M. Anderson, of Orleans Parish, and of Zuline Augamar, of Orleans Parish, Louisiana, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Paper in the case of Robert Burke, for relief—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition in favor of Senate bill 2157, for the improvement of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. W. J. STONE, of Kentucky: Petition of citizens of Hickman, Fulton, and Marshall Counties, Kentucky, asking that the coinage of silver be made unlimited—to the Committee on Coinage, Weights, and Measures.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least \$200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. W. W. BROWN: Petition of James F. Reily and 37 others and of R. W. Smith and 75 others, citizens of the sixteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Petition of C. A. Miller and 74 others, citizens of the seventeenth district of Pennsylvania.

By Mr. COMSTOCK: Petition of Henry Witters and 17 others, citizens of the fifth district of Michigan.

By Mr. FUNSTON: Petition of J. W. Babb and 42 others and of H. Pettingill and 84 others, citizens of the second district of Kansas.

By Mr. J. J. O'NEILL: Petition of William Fitzgerald and others and of John W. Garry and 80 others, citizens of the eighth district of Missouri.

By Mr. PEEL: Petition of citizens of Eureka Springs, Ark.

By Mr. RIGGS: Petition of Frederick Fleer and 95 others and of George G. Smith and 500 others, citizens of the twelfth district of Illinois.

By Mr. CHARLES STEWART: Petition of Alexander Gaines and 28 others, of Frank Duvall and 30 others, of L. Gause and 96 others,

of H. Kidney and 16 others, and of John Holland and 70 others, citizens of the first district of Texas.

By Mr. SYMES: Petition of Arnold Bringleman and 100 others, of James Stewart and 75 others, of W. H. Lynch and 125 others, of V. H. Klein and 197 others, of Thomas Higgins and 270 others, and of F. C. Williams and 50 others, citizens of the first district of Colorado.

By Mr. WEST: Petition of Frank Beebe, M. D., and others, citizens of Fulton County, New York.

By Mr. WISE: Petition of C. E. Hill and 61 others and of W. T. Lawrence and 266 others, citizens of the third district of Virginia.

SENATE.

FRIDAY, July 16, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

CALL OF THE SENATE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter of the Secretary of the Treasury, transmitting a supplemental list of claims for horses and other property lost in the military service of the United States allowed by the accounting officers of the Treasury; which will be read.

Mr. INGALLS. Mr. President, is there a quorum present?

The PRESIDENT *pro tempore*. A quorum is not present. Does the Senator desire business to be suspended or to have a call of the Senate?

Mr. INGALLS. The Chair has certain duties devolved upon him when the absence of a quorum is apparent.

The PRESIDENT *pro tempore*. There will be a call of the Senate. The Secretary will call the roll of Senators and those present will answer to their names.

The Secretary proceeded to call the roll, and the following Senators answered to their names:

|            |          |            |                 |
|------------|----------|------------|-----------------|
| Allison,   | Cullom,  | Harris,    | Sherman,        |
| Beck,      | Dawes,   | Harrison,  | Spooner,        |
| Berry,     | Dolph,   | Hawley,    | Teller,         |
| Blackburn, | Edmunds, | Ingalls,   | Vance,          |
| Blair,     | Eustis,  | Logan,     | Van Wyck,       |
| Call,      | Evarts,  | McMillan,  | Walthall,       |
| Camden,    | Frye,    | Miller,    | Whithorne,      |
| Chace,     | George,  | Payne,     | Wilson of Iowa, |
| Cookrell,  | Gibson,  | Platt,     | Wilson of Md.   |
| Coke,      | Hale,    | Saulsbury, |                 |
| Conger,    | Hampton, | Sewell,    |                 |

Mr. CHACE. I desire to announce that my colleague [Mr. ALDRICH] is detained from the Senate by sickness.

Mr. EDMUNDS. I wish to state that my colleague [Mr. MORRILL] is absent on account of illness.

Mr. McMILLAN. My colleague [Mr. SABIN] is detained from the Senate by sickness.

The PRESIDENT *pro tempore*. Forty-one Senators have answered to their names. The Chair will proceed with morning business.

Mr. CONGER. Why not proceed with the call? There has been no order to stop proceedings under the call, I believe.

The PRESIDENT *pro tempore*. A quorum being present, business proceeds according to the rule.

Mr. EDMUNDS. The rule simply provides, I think, that, when the want of a quorum is disclosed the roll shall be called, and if that discloses the presence of a quorum, no other proceedings are to be taken without a distinct motion therefor.

The PRESIDENT *pro tempore*. When a quorum is present the rule seems to contemplate that no further proceedings shall be had.

Mr. CONGER. It takes about five minutes to have the roll called, hardly enough time to enable Senators who have left their committee-rooms and business here to be in; and I think we had better go on with the call, and not go through the shadowy form every time.

The PRESIDENT *pro tempore*. Does the Senator from Michigan move to proceed with the call?

Mr. CONGER. I will not make any motion.

The PRESIDENT *pro tempore*. The letter of the Secretary of the Treasury presented by the Chair will be read.

Mr. HALE. Before that goes on, I wish to make an inquiry as to these last proceedings. Do these proceedings under the call go into the RECORD?

The PRESIDENT *pro tempore*. They do. They are provided for by an express rule. So that Senators may see it is necessary for them to be present, the Chair will ask that the rule be read. It is the imperative duty of the Chair, upon a suggestion being made, to have the roll called.

The Chief Clerk read as follows:

RULE V.

QUORUM—ABSENT SENATORS MAY BE SENT FOR.

1. No Senator shall absent himself from the service of the Senate without leave.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall

forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HALE. I never could see much use in these calls. Senators get in as early as possible and many are away engaged on public business in their committee-rooms. But if it is done it ought to appear of record. There was a call, or a partial call, yesterday morning, if I remember aright. I do not find any account of it or record of it in the CONGRESSIONAL RECORD. Perhaps I have not examined it carefully enough, but looking at the proceedings of the Senate of July 15 I do not discover a report of any call. It may be that I am wrong.

The PRESIDENT *pro tempore*. The record of proceedings certainly ought to show an act done in pursuance of a rule of the Senate.

Mr. EDMUND. I think it was almost the first thing done yesterday.

The PRESIDENT *pro tempore*. The Reporter informs the Chair that the RECORD does show exactly what occurred. The report of it will be found on page 7374.

Mr. HALE. I have been trying to find it. I thought it was early in the morning. Perhaps it was later.

The PRESIDENT *pro tempore*. If there be no question raised the routine business will be proceeded with.

Mr. VEST. Is the call concluded?

The PRESIDENT *pro tempore*. It is concluded.

Mr. VEST. I was in the building at the time and I came immediately into the Senate Chamber. I do not want to be marked as an absentee.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental list of claims for horses and other property lost in the military service allowed by the accounting officers of the Treasury; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General transmitting, in response to a resolution of March 26, 1886, an additional account for moneys due to the commissioners appointed by the court to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. EVARTS. I present fourteen memorials signed by 580 citizens of New York city and Brooklyn remonstrating against taxing oleomargarine. I move that the memorials lie on the table.

The motion was agreed to.

Mr. VANCE presented the petition of Daniel R. Goodloe, praying to be allowed compensation for the lost manuscript of his work entitled "Compilation of internal-revenue legislation, with a brief sketch of the debates leading to the passage of the several acts from 1791 to the present time;" which was referred to the Committee on Printing.

Mr. MILLER presented a petition of citizens of Franklinton, Schoharie County, New York, praying for the passage of the oleomargarine bill; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2407) for the relief of Charles A. Ruffee; and  
A bill (S. 2408) for the relief of Charles A. Ruffee.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2995) for the relief of Francis H. Shaw, reported it without amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2855) to authorize a change of location of a certain Indian school building in Washington Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER introduced a bill (S. 2856) to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2857) to amend section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2858) to pay the heirs of George W. Harris and his wife, Mary A. Harris, and their daughter, Sophia Love, deceased, and others for the depredations of the

Rogue River Indians in 1853, 1855, and 1856; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

#### INDIAN TRADERS.

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

*Resolved*, That the select committee to investigate the subject of licenses to Indian traders be authorized to have 50 copies of the testimony taken and to be taken printed for the use of the committee.

#### ORDER OF BUSINESS.

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

Mr. HALE. I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the river and harbor bill.

Mr. BLAIR. Before that motion is put I should like to remind the Senate that it was distinctly understood yesterday that we should take up pension bills this morning.

Mr. HALE. The chairman of the Committee on Commerce [Mr. McMILLAN] is now here, and he will take care of the bill himself.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to proceed to the consideration of the river and harbor bill.

The motion was agreed to.

#### REMOVAL OF EASTERN CHEROKEES.

Mr. CHACE. I move to recommit to the Committee on Indian Affairs the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory.

The PRESIDENT *pro tempore*. Pending the river and harbor bill the Senator from Rhode Island moves to recommit to the Committee on Indian Affairs the bill named by him.

Mr. EDMUND. He must ask unanimous consent pending this bill.

Mr. CHACE. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks unanimous consent that Order of Business 1362, being the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory, be recommitted to the Committee on Indian Affairs. The Chair hears no objection, and that order will be made.

#### ORDER OF BUSINESS.

Mr. McMILLAN. That was done laying aside the river and harbor bill informally?

The PRESIDENT *pro tempore*. Yes. The river and harbor bill is now before the Senate.

Mr. EDMUND. I ask unanimous consent that the river and harbor bill be informally laid aside in order that the Committee on Pensions may request the Senate to go through at least until half past 12 o'clock with the private pension bills that are on the Calendar.

Mr. HALE. Unobjection cases.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BUTLER. I object, Mr. President.

Mr. McMILLAN. I understand that it was the understanding yesterday, and therefore I have no objection to interpose to it.

The PRESIDENT *pro tempore*. The Senator from South Carolina objects.

Mr. BLAIR. I move to take up the first pension bill on the Calendar, which is the bill (H. R. 5921) granting an increase of pension to John Ryan.

Mr. HARRIS. If the motion of the Senator from New Hampshire is agreed to I suppose it displaces the river and harbor bill.

Mr. EDMUND. Yes; and we are going to take it up again when we get through with the pension bills.

Mr. BLAIR. I hope there will be no objection to disposing of these pension bills. I do not think that they will take more than half an hour. I only wish to run through with them so that whatever of them it shall be necessary for the other House to act upon may go to the House. I do not believe it will take more than until 12 o'clock to dispose of everything of the kind on the Calendar.

Mr. BUTLER. I object.

Mr. BLAIR. I hope the Senator will withdraw his objection. I insist on my motion.

The PRESIDENT *pro tempore*. The motion is to proceed to the consideration of the bill (H. R. 5921) granting an increase of pension to John Ryan.

Mr. McMILLAN. I hope it will be the understanding that the river and harbor bill will be taken up immediately after these bills are disposed of.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

Mr. BLAIR. I ask for the yeas and nays.

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

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were here, I should vote "nay."

Mr. EDMUND. And my colleague would vote "yea."

The roll-call was concluded.

Mr. BLACKBURN (after having voted in the negative). I have been paired with the Senator from Nebraska [Mr. MANDERSON], and as I see he is not in his seat I withdraw my vote.

Mr. CONGER. My colleague [Mr. PALMER] is detained at his room by sickness this morning and unable to be here. I have understood that generally he is paired with the Senator from North Carolina [Mr. VANCE], but I do not know whether that pair still stands.

Mr. VANCE. I have had no notice of his desire to pair, but if he does I am willing to withdraw my vote.

Mr. CONGER. I did not speak in reference to this vote, but for pairing during the day, a general pair, if that will be the understanding. If not, let it remain, and I will try to arrange a pair for my colleague.

Mr. VANCE. Very well; I shall consider myself paired from this time on.

The PRESIDENT *pro tempore*. Is the Senator from North Carolina understood to withdraw his vote?

Mr. VANCE. No, sir; not on this question.

Mr. SEWELL (after having voted in the affirmative). As there seems to be a political division on this question, I withdraw my vote, as I am paired with my colleague [Mr. MCPHERSON].

The result was announced—yeas 25, nays 19; as follows:

YEAS—25.

|          |                  |           |                 |
|----------|------------------|-----------|-----------------|
| Allison, | Frye,            | Logan,    | Stanford,       |
| Blair,   | Hale,            | McMillan, | Teller,         |
| Conger,  | Harrison,        | Miller,   | Whithorne,      |
| Cullom,  | Hawley,          | Platt,    | Wilson of Iowa. |
| Dawes,   | Hoar,            | Plumb,    |                 |
| Edmunds, | Ingalls,         | Sherman,  |                 |
| Evarts,  | Jones of Nevada, | Spooner,  |                 |

NAYS—19.

|        |          |                    |               |
|--------|----------|--------------------|---------------|
| Beck,  | Eustis,  | Maxey,             | Vance,        |
| Berry, | Gibson,  | Mitchell of Oreg., | Vest,         |
| Call,  | Gray,    | Payne,             | Walthall,     |
| Coke,  | Hampton, | Pugh,              | Wilson of Md. |
| Dolph, | Harris,  | Ransom,            |               |

ABSENT—32.

|            |                    |                  |               |
|------------|--------------------|------------------|---------------|
| Aldrich,   | Cockrell,          | Kenna,           | Pike,         |
| Blackburn, | Colquitt,          | McPherson,       | Riddleberger, |
| Bowen,     | Fair,              | Mahone,          | Sabin,        |
| Brown,     | George,            | Manderson,       | Saulsbury,    |
| Butler,    | Gorman,            | Mitchell of Pa., | Sawyer,       |
| Camden,    | Hearst,            | Morgan,          | Sewell,       |
| Cameron,   | Jones of Arkansas, | Morrill,         | Van Wyck,     |
| Chace,     | Jones of Florida,  | Palmer,          | Voorhees.     |

So the motion was agreed to.

The PRESIDENT *pro tempore*. The pension bill is before the Senate.

Mr. CONGER. I desire to state that I voted for leaving the river and harbor bill because I am informed that there was some understanding yesterday that the pension cases should be taken up to-day. Otherwise I should have liked to go on with that bill.

Mr. BECK. I wish to say that when the Senator from Minnesota made the motion to proceed to the consideration of the river and harbor bill I voted with him, but when I heard him set aside his own bill, after making us sit here until after midnight two nights ago in order to get through with the bill, when he has asked unanimous consent time and again to have it closed at a particular time, and limiting debate to five minutes, all for the purpose of urging it, and then to give it up for something else, I do not feel that I am under any obligation to press for the river and harbor bill any further.

I have no objection to the pension bill now taken up, but these bills can be taken up and disposed of at any time, when here is the river and harbor bill, which has been pending for two weeks with all sorts of—I am not going to say pretenses but expressions of desire to have it out of the way, so that the naval appropriation bill and the sundry civil and a number of other important bills that are pending and necessary for the running of the Government might come up; and when we all agreed that the bill should be taken up and it was taken up, I can not quite understand why the chairman of the committee should himself vote against it after urging us to do so.

Mr. McMILLAN. When I moved to take up the river and harbor bill this morning it was with the implied understanding that the bill should be informally laid aside for the purpose of disposing of a few pension cases which the chairman of the Committee on Pensions announced yesterday it was necessary to pass in order that they might reach the other House, and that they would take not more than thirty minutes. But an objection was interposed which prevented me from lay-

ing aside the bill informally, and in view of what transpired yesterday I did not feel that I could in good faith insist upon refusing to the Senator from New Hampshire the privilege of going on with the few pension bills remaining on the Calendar. I desire to read what transpired yesterday. In the proceedings of yesterday, at the time the river and harbor bill was taken up, the Senator from New Hampshire [Mr. BLAIR] said:

It will not take over half an hour to dispose of the pension bills, and I will ask for the yeas and nays on the motion to take up the river and harbor bill.

Mr. EDMUND. That would take a great part of the half hour. You will get a chance later. Wait until to-morrow.

Mr. BLAIR. Very well.

Mr. EDMUND. I hope that to-morrow these pension bills will be taken up.

Mr. BLAIR. I shall move their consideration to-morrow morning.

Under that state of facts, on my insisting that the river and harbor bill should be taken up yesterday the Senate proceeded to the consideration of that bill, and this morning it is understood that the river and harbor bill shall be proceeded with at the expiration of the usual time which was allowed for the Calendar under the recent order, or as soon as these few pension bills can be disposed of. I did not feel justified in interposing my objection to that.

JOHN RYAN.

The bill (H. R. 5921) granting an increase of pension to John Ryan was considered as in Committee of the Whole. It proposes to increase the pension of John Ryan, late first lieutenant of Company F, Sixty-ninth Regiment Pennsylvania Volunteers, to \$17 per month, in lieu of the pension now paid to him.

Mr. CAMDEN. Let the report be read.

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

The Chief Clerk read the following report, submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5921) granting an increase of pension to John Ryan, have examined the same, and report:

Your committee have considered the facts of the case and adopt the report of the House committee (House Report No. 2382), and recommend the passage of the bill. To the House report may be added the further facts that without any fault of his own the claimant has since discharge lost a leg, is very poor, and has a family to support.

The soldier in this case, John Ryan, enlisted April 1, 1861, in Company I, Sixteenth Pennsylvania Volunteers, as a private. He was discharged July 30, 1861, and enlisted as sergeant in Company H, Forty-ninth Pennsylvania Volunteers, August 6, 1861; promoted to second lieutenant November 8, 1862, and first lieutenant May 1, 1863; received a contused wound over the liver at the battle of Fredericksburg, December, 1862; was captured at the battle of Gettysburg, July, 1863; was treated while a prisoner of war for dysentery, contracted scurvy, and was paroled March 7, 1864. He was discharged July 9, 1864, on account of physical disabilities.

It appears from the records of the War Department that the wound affected his stomach to such a degree as to compel him to reject a greater part of his food, even while in the service.

In 1878 he presented his claim to the Pension Office and was pensioned at the rate of \$8.50 per month from result of scurvy.

It is evident from the testimony presented in this case that the soldier has been a constant sufferer ever since his discharge, both from this and several other disabilities, all of which were evidently contracted in the service.

Your committee, therefore, are clearly of the opinion that his services and sufferings while in the Army, that the degree of his disability since discharge, as shown by the testimony offered, would warrant the increase of his pension. Therefore your committee recommend that the bill do pass."

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

JAMES NOYES.

The bill (S. 2598) granting a pension to James Noyes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Noyes, late of Company I, Second Regiment Louisiana Native Guards.

Mr. CAMDEN. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2598) granting a pension to James Noyes, have examined the same, and report:

The claimant, James Noyes, enlisted December 1, 1861, and served until discharged, February 27, 1865, as first lieutenant of Company I, Second Regiment Louisiana Native Guards; also captain Company G, Seventy-fourth United States Colored Troops, and also served in the Sixty-eighth Veteran Volunteers.

He applied for a pension alleging that he incurred disability in the service, namely, obscure disease of the brain, the result of malarial affection. This was rejected on the ground that there is no record, and claimant's declared inability to furnish competent evidence, showing origin of the alleged results of malaria in service, or existence at date of discharge.

Your committee have examined the evidence in support of this claim, comprising the statements of the claimant, a comrade who testifies to trouble with his head in the service, two physicians who have recently treated him, a classmate at school in 1866, where he suffered with some difficulty in the head, which has constantly been increasing, and other evidences showing the long continuance of the brain trouble, all of which, together with the other letters and statements before us, leads to the conclusion that the soldier incurred some brain derangement as a result of his service, which, though slight at first, has continued steadily to increase until its effects have become so marked as to seriously disable him the greater part of the time. The last report of the examining board rates him at three-fourths of total. The applicant is a clergyman of the best personal character, and from personal knowledge of him the member of the committee who makes the report feels confident of the justice of this claim.

After a consideration of all the facts, your committee report back the bill with the recommendation that it do pass.

Mr. CAMDEN. That report shows that there is no evidence that that disease was incurred in the service.

Mr. LOGAN. No testimony of what?

Mr. CAMDEN. An affection of the brain is shown to have existed before the man went into the service; and that has gradually increased.

Mr. LOGAN. I do not so understand.

Mr. BLAIR. There is no evidence that the trouble existed before he went into the service.

Mr. COCKRELL. Was it hereditary?

Mr. EDMUNDS. The report says it developed in 1866—after the war.

Mr. COCKRELL. Was not this hereditary?

Mr. BLAIR. I really do not know. I have never heard any suggestion of the kind.

Mr. COCKRELL. Was there ever any suggestion that it was not?

Mr. BLAIR. There is not any presumption of that kind.

Mr. COCKRELL. Here is a member of the Senate who says: "Here is a worthy preacher, and he must be pensioned on the country for having served a little while in the Louisiana Native Guards." He does not seem to have been in the United States service actually, but in some military company around New Orleans doing parade duty.

Mr. BLAIR. The Senator is quite wrong in his statement in regard to the case.

Mr. EDMUNDS. I see that he is described in this bill as "late of Company I, Second Regiment Louisiana Native Guards." I should like to be informed what sort of a regiment that was, whether it was in the service of the United States.

Mr. BLAIR. I understand that it was; but the Senator will see that he is also further described in the report as "captain Company G, Seventy-fourth United States Colored Troops, and also served in the Sixty-eighth Veteran Volunteers."

Mr. EDMUNDS. The point to which I wish to call my friend's attention is that the bill had better be amended by describing his subsequent services, for it may happen that somebody somewhere will discover that the regiment named in the bill was not a regular regiment. I move to amend by saying after the word "Guards:"

Also captain Company G, Seventy-fourth United States Colored Troops, and of the Sixty-eighth Veteran Volunteers.

So as to describe all the military offices he held, and save giving anybody hereafter any trouble.

Mr. BLAIR. I agree to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. BLAIR. Now read the bill as amended.

The Chief Clerk read the bill as amended.

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, and read the third time.

Mr. COCKRELL. I ask for the yeas and nays on the passage of the bill.

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

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. FRYE (when his name was called). I am paired with the Senator from Texas [Mr. COKE].

Mr. SEWELL (when his name was called). I am paired generally with my colleague [Mr. MCPHERSON], but I believe he would vote for a bill of this kind, and therefore I vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

The roll-call was concluded.

Mr. JONES of Arkansas. I have a general pair with the Senator from Indiana [Mr. HARRISON]. He is not in his seat. As I do not know how he would vote, I withhold my vote.

The result was announced—yeas 27, nays 13; as follows:

YEAS—27.

|          |                  |               |                 |
|----------|------------------|---------------|-----------------|
| Allison, | Evarts,          | Logan,        | Sewell,         |
| Blair,   | George,          | McMillan,     | Sherman,        |
| Conger,  | Hale,            | Miller,       | Spooner,        |
| Cullom,  | Hawley,          | Payne,        | Stanford,       |
| Dawes,   | Hoar,            | Platt,        | Teller,         |
| Dolph,   | Ingalls,         | Plumb,        | Wilson of Iowa. |
| Edmunds, | Jones of Nevada, | Riddleberger, |                 |

NAYS—13.

|           |          |         |               |
|-----------|----------|---------|---------------|
| Beck,     | Eustis,  | Harris, | Wilson of Md. |
| Berry,    | Gibson,  | Maxey,  |               |
| Call,     | Gray,    | Pugh,   |               |
| Cockrell, | Hampton, | Vest,   |               |

ABSENT—36.

|            |                    |                   |             |
|------------|--------------------|-------------------|-------------|
| Aldrich,   | Colquitt,          | McPherson,        | Ransom,     |
| Blackburn, | Fair,              | Mahone,           | Sabin,      |
| Bowen,     | Frye,              | Manderson,        | Sawyer,     |
| Brown,     | Gorman,            | Mitchell of Oreg. | Saulsbury,  |
| Butler,    | Harrison,          | Mitchell of Pa.,  | Vance,      |
| Camden,    | Hearst,            | Morgan,           | Van Wyk,    |
| Cameron,   | Jones of Arkansas, | Morrill,          | Voorhees,   |
| Chace,     | Jones of Florida,  | Palmer,           | Walthall,   |
| Coke,      | Kenna,             | Pike,             | Whitthorne. |

So the bill was passed.

MARY A. THOMAS.

The PRESIDENT *pro tempore*. The next pension bill will be stated.

The bill (H. R. 6747) granting a pension to Mary A. Thomas was announced as next in order, and the Senate as in Committee of the Whole proceeded to consider it.

It proposes to place on the pension-roll the name of Mary A. Thomas, a volunteer nurse and superintendent of nurses in the late war, at \$25 per month.

Mr. CAMDEN. Let the report be read.

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

The Chief Clerk read the following report submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6747) granting a pension to Mary A. Thomas, have examined the same, and report:

The facts of this case are set forth in the annexed report of the House Committee on Invalid Pensions (House Report No. 1713), which we adopt, and recommend the passage of the bill.

Your committee attach hereto the petition of Miss Mary A. Thomas, late volunteer Army nurse. It sets forth the nature and character of the service rendered much more graphically than your committee could hope to do.

All the points are substantiated by testimony of the highest character, so that there can remain no doubt as to the entire accuracy of her statement.

Robert F. Weir, M. D., late assistant surgeon United States Army, states:

"During the war I was in charge of the United States Army general hospital, Frederick, Md., from 1862 to 1865. For eighteen months of the time Miss Mary A. Thomas was the superintendent of the nursing department as a volunteer Army nurse, and as such brought it to the highest degree of efficiency. This, with other points, secured the official commendation of the hospital by the Surgeon-General. The faithfulness and intelligence of Miss Thomas continued at the disposal of the soldiers until 1864, when she was compelled to retire from duty. Her deterioration of health was the result, in my opinion, of the mental and physical strain passed through in those trying times."

R. M. Murray, Surgeon-General, United States Army, states:

"In regard to the services rendered by Miss Mary A. Thomas as Army nurse during the late war, the records of the United States Army general hospital at Frederick, Md., show that she was employed in that hospital as nurse. Robert F. Weir, M. D., of New York city, late assistant surgeon, United States Army, was in charge of the said hospital in 1861-1865. He was one of our ablest and most judicious medical officers, and his statement can be implicitly relied upon. I believe that the services of Miss Thomas were in the highest degree admirable, and should command her to special consideration. I unite in recommending that she receive the pension for which she has applied."

The following is her petition:

*To the honorable the Committee of Invalid Pensions, House of Representatives:*

I, your petitioner, respectfully beg leave to present the following facts as the basis for a claim to a pension as Army nurse and superintendent of nurses:

In the summer of 1862 and during the eighteen ensuing months I had the honor of serving as a volunteer nurse and superintendent of nurses in the "United States Army general hospital," located at Frederick, city, Md. In proof whereof I submit Exhibit A, the affidavit of Dr. Robert F. Weir, of New York city, residing at No. 37 West Thirty-third street, late surgeon of the United States Army, in charge of the aforesaid hospital.

The invasion of Maryland by General Robert E. Lee, in September, 1862, brought us between the two conflicting armies; then followed the battle of Antietam, at the distance of 20 miles only from Frederick, and my services were required immediately at the front. No one save an eye-witness to such scenes can realize the magnitude of the labor involved, or the amount of courage demanded. Even that born genius of battle, the great Napoleon, was unnerved by the ghastly sights displayed on the field of a freshly-fought battle; what, then, was the spectacle for a timid woman? The roar of the cannon, the smoke, the confusion, the frantic encounter of warring squadrons, these constituted but the opening scene in the bloody drama, and required but brief space for enactment. The tragic horrors of the fray remained to be fully developed in the wards of our hospitals. Days then counted for months and months for years in the expenditure of moral force and the sacrifice of physical strength. To serve by day and by night, to assist frequently at surgical operations whose very memory makes me shudder; afterward, with indescribable anxiety, to watch those patients, for then the embers of life burned low and the slightest want of vigilance would be attended with fatal consequences—such were, in part the duties devolving upon me as Army nurse, and as superintendent of all the other nurses there engaged.

Another great battle, that of Gettysburg, was fought in the summer of 1863, and our hospital was again in the very midst of war and tumult. Over the rocky roads of those hilly regions, day after day, came the long line of Army ambulances bringing the wounded direct from the field of battle. Our hospital was spacious, the barracks numbered from the letter A to the letter P inclusive, but all were soon filled to overflowing, and tents had to be pitched for the emergency. Some of those heroes died shortly afterward; the majority lingered to endure long martyrdoms of pain; but not one of those pathetic death-beds was left solitary. It was a comfort to those poor dying soldiers to confide to a sympathetic ear their fond farewells to friends far away in the North or the East, the West or the South, and it was made a sacred duty to transmit by letter, when possible, those touching messages. Defenders of the old Stripes and Stars, soldiers of the South, all received the tender cares needed in their sad condition.

And here, perhaps, I may be pardoned for saying that, being by birth a Maryland woman, I had near relatives and dear friends in the hostile camp. Consequently, when the hospital came to change hands, as it did between the interval of General Lee's entrance and exit from Frederick, followed in two days by General Burnside's army, my allegiance to the Union cost me somewhat severely in respect to natural sympathies.

The above details are given as a mere sketch of the circumstances of time and place connected with my services. Having the entire superintendence of the nursing department of a large military hospital, my responsibility was great and my duties most arduous. I served as a volunteer, and with no expectation of ever applying for a pension. Now, however, my health is feeble. (See Exhibit B, the affidavit of Dr. Samuel R. Skillern, of Philadelphia, and Exhibit C,

affidavit of Dr. G. Latimer, District of Columbia.) I am wholly dependent upon my own effort for support. Therefore I now appeal to your honorable committee for a pension of \$50 per month. The precedent of giving \$25 has been established in some well-known cases, as, for example, in those of Miss Harriet B. Dame, of New Hampshire, and Mrs. Mary M. Husband, of Philadelphia, whose names, and others, are on the statute-book; but I have asked for \$50 per month because of the wider field of service, the heavier responsibility, and greater tax upon my mind and body, inseparable from the post assigned me, that of superintendent of nurses. Many widows of superior officers are given pensions of \$50 per month, not for personal service rendered, but because of their deceased husband; and, in like manner, the widows of lesser officers and subalterns are pensioned in a decreasing ratio. I appeal to the fair judgment of your honorable committee whether my services do not merit to be considered with similar discrimination.

Very respectfully,

MARY A. THOMAS,  
Late Volunteer Army Nurse.

WASHINGTON, D. C., March 9, 1886.

Your committee, in view of the high character of Miss Thomas and the service rendered, together with her ill health and straitened circumstances, report the bill favorably and recommend its passage.

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

EMILY B. BAKER.

The bill (H. R. 1580) for the relief of Emily B. Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily B. Baker, widow of Joel B. Baker, late colonel of the Eighth Regiment New York Heavy Artillery Volunteers.

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

FRANK W. TUBBESING.

The bill (S. 2705) granting a pension to Frank W. Tubbesing was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Frank W. Tubbesing, late a private in Company A, Fifteenth New York Artillery.

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

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

The PRESIDENT *pro tempore*. It was not called for during the consideration of the bill.

Mr. VEST. I want to know the basis for the bill.

The PRESIDENT *pro tempore*. The report will be read if there be no objection.

The Secretary read the following report, submitted by Mr. BLAIR June 21, 1886:

The Committee on Pensions, to whom was referred the petition of Frank W. Tubbesing, have examined the same, and report:

The claimant, Frank W. Tubbesing, enlisted December 30, 1863, as a private in Company A, Fifteenth Regiment New York Heavy Artillery. He was discharged February 4, 1866. He was also subsequently in the service from July 21, 1866, to July 20, 1869, in Battery E, Third United States Artillery.

He filed a claim in the Department for a pension, February 4, 1880, alleging that about May, 1865, he received a furlough to go to New York for medical treatment for wounds he received at the battles of Wilderness, Spottsylvania, and Five Forks, and also alleging wound of left leg and right side of head. His claim was rejected on the ground of no record of the disabilities alleged, wounds of leg and head; no evidence showing their incurrence in the military service, and claimant's expressed inability to establish the claim; can not furnish testimony of officers or comrades.

It appears from the reports of the War Department that the medical records of claimant's regiment are not on file, which would explain the fact that there is no record of incurrence of disability.

The examining surgeon reports, in 1881, that the claimant suffers a great deal of pain from wounds; an old ulcer of left leg below knee, the result of wounds; also right temporal bone is driven in  $\frac{1}{2}$  inches in circumference.

There was also a charge of desertion against him, which was afterward removed.

There is considerable other evidence filed with your committee, after a careful consideration of which we have come to the conclusion that the preponderance of the testimony shows that the soldier is entitled to a pension.

Your committee therefore report back the petition and an original bill, with a favorable recommendation.

WILLIAM H. H. PRICE.

The bill (S. 2369) granting an increase of pension to William H. H. Price was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, which were, in line 5, after the word "to," to strike out the word "thirty" and to insert the word "twenty-four;" in line 9, after the word "of," to strike out the word "thirty" and insert the word "twenty-four," and in line 10, before the word "dollars," to strike out the word "thirty" and insert the word "twenty-four;" so as to make the bill read:

That the pension of William H. H. Price, late of Company F, Sixty-sixth Regiment Indiana Volunteer Infantry, be, and the same is hereby, increased to \$24 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of said William H. H. Price on the pension-roll as a pensioner of the United States for the sum of \$24 per month, said \$24 per month being in lieu of all other pensions heretofore granted.

The amendments were agreed to.

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

Mr. VEST and Mr. BUTLER. Let the report be read.

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

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2369) granting

an increase of pension to William H. H. Price, have carefully examined the same, and report:

That William H. H. Price is already on the Government rolls as an invalid pensioner to the extent of \$12 per month, and on the 18th day of last June made a new declaration for an increase of pension, on the ground of an increased disability growing out of an aggravation of his disease—which is ankylosis of the elbow-joint of the right arm—which application was rejected by the Pension Office on the ground "that he is now receiving the full amount of pension to which he is entitled under the law for the disability" named. In view of the papers sent to us from the Pension Office, we can not agree to this conclusion. The Government board of surgeons, by whom he was examined, on the 16th day of September, 1885, duly certified to the Pension Office that the ex-soldier suffers from "complete ankylosis of the right elbow-joint, the arm being firmly held in a semiflected position, and there being a complete atrophy of all muscles of the right arm, the measurement of which is 6 $\frac{1}{2}$  inches, while the left arm is 9 inches." They also return that "his right arm and hand are of no value for purposes of manual labor, and his disability is equal to the loss of a hand or a foot." There appearing no evidence to the contrary, this degree of disability, under the act of March 3, 1883, entitles the pensioner to \$24 per month.

We therefore recommend that the bill be amended by striking out the word "thirty" where it occurs therein, and by inserting in each case in lieu thereof the word "twenty-four," and that, as so amended, said bill do pass.

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

SARAH A. TUCKER.

The bill (H. R. 7193) granting a pension to Sarah A. Tucker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Tucker, mother of Charles P. Tucker, deceased, late of Company I, First Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment.

Mr. BUTLER. Let us have the report, Mr. President.

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

The Chief Clerk read the following report, submitted by Mr. SAWYER on June 22, 1886:

The Committee on Pensions, to which was referred the bill (H. R. 7193) granting a pension to Sarah A. Tucker, has examined the same, and adopts the annexed House report, and recommends the passage of the bill.

Sarah A. Tucker is the mother of Charles P. Tucker, who enlisted in Company I, First Wisconsin Volunteers, October 5, 1861, and died at Andersonville prison July 10, 1864.

The claimant lost another son in the Army, while three others served and were discharged.

Her claim for pension as dependent mother of Charles P. Tucker has been rejected by the Pension Office on the ground that the evidence fails to show dependence upon the soldier at time of his death.

It appears from the evidence on file that the son, Charles P., was a stonemason by trade, and, being a single man, made his home with his parents, who owned a small place, and with the son's assistance were moderately comfortably situated. Nearly all of the son's earnings went in the common fund of the family, and after enlistment he is shown to have contributed to the support of the claimant, but the exact amount of such contributions can not now be ascertained, as the letters of the soldier furnishing this information were destroyed by fire some years ago.

The ground of rejection of the mother's claim appears to have been based principally upon the certifications of the proper officers of the assessments standing against the claimant and her husband during the alleged period of dependence and since. In 1864, the year of the son's death, they were assessed for real estate \$550, and on personal property \$140, while in 1868 the assessment reached \$1,900 on real estate, and \$422 on personal property. The latter is the maximum assessment during any year since 1861; while in 1878 the real estate of claimant and her husband is assessed at \$750, and since that time in no one year higher than \$120.

The increased value of real estate after the son's death is fully explained by testimony as well as by certified extracts from the records of conveyances of the county in which located. Claimant's husband purchased with the money sent home from the Army by his younger sons a certain tract of land, which he held in his own name in trust for the sons, and subsequently conveyed it to them. In 1873 claimant's husband purchased 120 acres for \$2,600, \$300 only being paid down, and failing to make the deferred payments, it was reconveyed to the original owner in 1880.

It further appears in evidence that claimant's husband was more or less disabled for manual labor for many years, and since 1881 has been insane. Claimant has now no income except that derived from her own manual labor, and being old is now dependent upon charity.

Winfield Scott Post, Grand Army of the Republic, at Whitehall, Wis., as well as the Woman's Relief Corps, Grand Army of the Republic, department of Wisconsin, have asked Congress to place this much-deserving woman upon the pension-rolls.

While notwithstanding the acknowledged contributions on the part of the soldier son, claimant may not have been so dependent upon these contributions as to bring her case within the general pension laws, yet your committee are clearly of opinion that the evidence shows at least a partial dependence upon the soldier, and in view of the fact that she gave five sons to the country's cause, two of whom were lost to her in that cause, and the further fact that by reason of the unfortunate condition of her husband, the father of the soldier, she has now become dependent upon others, we believe her entitled to the favorable consideration of Congress.

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

JENNETTE DOW.

The bill (H. R. 3363) granting a pension to Jennette Dow was considered as in Committee of the Whole. It proposes to enter upon the pension-roll the name of Jennette Dow, widow of Charles E. Dow, late first sergeant of Company K, Eighty-ninth Regiment of Illinois Infantry Volunteers.

Mr. CAMDEN. Let us have the report read.

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

The Secretary read the following report, submitted by Mr. SAWYER June 22, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3363) granting a pension to Jennette Dow, have examined the same, and report:

That an examination of the facts in this case satisfies the committee that the report of the House committee is correct. It is adopted, and is as follows:

"That Mrs. Jennette Dow is the widow of Charles E. Dow, late a sergeant of

Company K, Eighty-ninth Regiment Illinois Volunteers, who was pensioned for gunshot wound in left knee, received at the battle of Chickamauga, and who died at Boonesborough, Iowa, December 16, 1882. Mrs. Dow applied for pension April 18, 1883, but her claim was rejected on the ground that 'death resulted from apoplexy, not the result of gunshot wound.'

"Dr. R. M. Huntington, the physician who attended claimant in his last illness, testifies:

"I was in attendance at the death of Mr. Charles E. Dow, late sergeant Company K, Eighty-ninth Illinois Infantry, who died at Boonesborough, Boone County, Iowa, on the 16th day of December, 1882, and giving the cause of death, state it as follows: Hemiplegia (apoplexy), and death in twelve hours. In thus giving the cause or causes of death, statement of facts as bearing on the case should be made. Mr. Dow was wounded in the popliteal space, severing the artery and ligaments of the left leg, from the effects of which wound he never fully recovered. So far as the mobility or muscular co-ordination and nervous sensibility were concerned, these conditions seemingly for a time better, were subject to frequent relapse, and extended in time to the hand and arm of the corresponding side.

"Mr. Dow's calling in life for years after leaving the service was that of railroad conductor, the duties of which were at all times quite seriously interfered with, because of the want of strength in the afflicted side. At the time of death Mr. Dow had with difficulty reached his home in a dazed or semi-conscious condition, and while receiving the ministrations and assistance of his wife, suddenly fell to the floor, severely bruising and lacerating the right temple and supraorbital arch of the right side. Complete unconsciousness ensued, accompanied with contracted pupil, slow stertorous breathing, dark face, flapping of the lips, slow and labored pulse, in which condition, without any change for the better, he continued for about twelve hours, when death closed the scene. From the facts and history of the case as known to me, I regard it as a case of hemiplegia, the outgrowth primarily of nerve injury, aggravated by the life's calling, and eventuating in apoplexy, as stated."

"In the examination upon which pension was granted to soldier, the examining surgeon described his condition as follows:

"Gunshot wound of the left thigh, ball entered just above and at center of the external condyle of the femur, out at upper edge of popliteal space, resulting in impaired use of the leg from paralysis of extensor muscles of the foot and impaired sensation in and over second, third, fourth, and fifth toes, and inability to straighten the leg when knee is bent after ordinary exercise."

"Orson T. Walmont, of Sac City, Iowa, testifies:

"I was well and personally acquainted with Charles E. Dow during his lifetime from 1862 till his death; were both members of the same company. I was with him at the time he received his wound; that from the time he received said wound till his death he was greatly troubled with his left leg and arm; said Charles Dow and I railroaded together for fifteen years; that I know from personal observation that his arm would be worse at the time his leg troubled him most, and at one particular time, at Council Bluffs, Iowa, when said Dow was being unusually troubled with said wound in said left leg, he told me he was afraid that his disease would go to his heart."

"Cheney Eddy, G. S. Roads, and Charles Schoonover all testify to substantially same fact as to the effect of wound and the loss of power in left side and arm. So, also, does Dr. P. S. Moses, of Boone, Iowa, and adds, 'In my opinion his death was caused by paralysis.'

"His wife, Mrs. Jennette Dow, testifies that the wound troubled him continuously and caused him to become emaciated and weak, and when taken with his last illness his wound had been troubling him very much and he had less ability to use his left arm and leg.

"Hon. A. J. HOLMES, a member of this House, certifies:

"I was personally acquainted with Charles E. Dow during a period of more than ten years that he resided in the city of my residence. While I can not speak from personal knowledge of the cause of his death, yet it was well known among his neighbors and friends that he suffered almost continuously from a severe wound received in the late war. Physically large and of full habit, he steadily became emaciated, and before his death presented a very wan and haggard appearance."

"From a careful comparison of the report of examining surgeon, upon which the pension was granted, with the report made by the physician in attendance at death and all the corroborative testimony, it seems very clear to your committee that the soldier's wound was the cause of the partial paralysis of his left side, and may very reasonably be presumed to have finally caused his death. There appears to be but little doubt in the case, and the Government can afford to give the widow of a wounded soldier the benefit of that doubt."

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to 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 joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5310) to protect mechanics, laborers, and servants in their wages;

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;

A bill (H. R. 9857) in relation to the western judicial district of Wisconsin; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

#### OHIO SENATORIAL ELECTION.

Mr. PUGH. I desire to give notice that on Tuesday next, at the expiration of the morning hour, I will call up for consideration the report of the Committee on Privileges and Elections in what is known as the Payne case.

#### THOMAS CHAPMAN.

The bill (S. 2259) to increase the pension of Thomas Chapman was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word dollars, to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

*Be it enacted, &c.,* That the pension of Thomas Chapman, of Campbell County, Tennessee, evidenced by pension certificate numbered 14157, be, and the same hereby is, increased to the sum of \$25 per month, his disabilities being such as to require the constant attention of some person to take care of him.

The amendment was agreed to.

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

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

The Chief Clerk read the following report, submitted by Mr. WHITTHORNE June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2259) granting an increase of pension to Thomas Chapman, have examined the same, and report:

That this is an application for an increase of pension to a soldier of the war of 1812, now receiving a pension of \$8 per month. The facts upon which it is made are fully shown in the affidavit of prominent citizens of the county of his residence, which affidavit is as follows:

STATE OF TENNESSEE, *Campbell County*:

In the matter of the memorial before United States Senate and Congress for increase of pension of Thomas Chapman, of Capt. S. Lawson's company, Virginia Militia, in war of 1812, whose name is inscribed on the pension-list roll of the Knoxville, Tenn., agency, at the rate of \$8 per month, under pension certificate No. 14157, personally came Thomas Wilson, aged forty-two years, of Jacksborough Post-Office, Campbell County, Tennessee, who, being duly sworn, deposed as follows:

I am well acquainted with said surviving soldier of the war of 1812, whose physical condition is such as to render him totally unable for the performance of manual labor, as his age is past ninety-five years, as he says, and that is his general reputation, and his appearance indicates that such is the fact. His reputation for morals is good, his poverty is extreme, he owns no property whatever, and his condition is such as to require the almost constant care and attention of some person, and his present pension is utterly inadequate for his support. I make these statements from personal knowledge, and my knowledge of the facts are gained by being his near neighbor and having a good opportunity to know his true condition from personal observation. I am no kin to the soldier, and have no interest in his matters.

THOMAS WILSON.  
JOHN HURNLEY.

Attest:

JOHN SMIDDY,  
R. D. PERKINS.

We, the undersigned, citizens of Campbell County, Tennessee, and residents of the neighborhood of the town of Jacksborough, Tenn., do hereby concur in and certify to the truth of the foregoing statement, and know that said surviving soldier of the war of 1812, Thomas Chapman, is a worthy object of the country's bounty.

JOHN HURNLEY, *Deputy Sheriff*.  
J. P. HOLLINGSWORTH, *Sheriff*.  
R. D. WHEELER.  
HENRY MAUPINS.  
LAFAYETTE ISLEY.  
LEWIS WILSON, *Register*.  
J. H. AGEE, *Clerk and Master*.  
S. C. BAIRD, *Clerk County Court*.

Sworn and subscribed to before me; and I hereby certify that all the affiants are respectable and the persons they represent themselves to be, and are well worthy of full faith and credit, and that they each read and understood the foregoing contents before they swore to it. I further certify that the statements made by them are true, and have a personal knowledge of the facts. I am no kin to said soldier, and have no interest in his claim.

Given under my hand and seal of circuit court of Campbell County, Tennessee, at office, in Jacksborough, Tenn., May 22, 1886.

WILLIAM ALLEN.  
*Clerk Circuit Court*.

The credibility of these parties is vouched for by a member of this committee (Mr. WHITTHORNE).

The committee, accepting the facts to be as stated, deem the case to be a meritorious one, and in view of the fact of the utter helplessness of the pensioner, his extreme old age, and that Congress has in similar cases granted an increase of pension, they recommend that the same may be done in this, and accordingly recommend that the pension to Thomas Chapman be placed at \$25 per month from and after the passage of this bill, which should be so amended.

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

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

CHARLES WYANT.

The bill (H. R. 5705) granting a pension to Charles Wyant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Wyant, late of Company K, One hundred and fiftieth Regiment New York Volunteers.

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

WILLIAM WINANS.

The bill (S. 1531) granting an increase of pension to William Winans was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Winans, late a corporal of Company B, First New York Lincoln Cavalry Regiment, at the rate of \$30 per month, in lieu of the \$8 per month heretofore allowed him.

Mr. BUTLER. Let us have the report in that case.

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

The Chief Clerk read the following report, submitted by Mr. VAN WYCK June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1531) granting

a pension to William Winans, late a corporal of Company B, First New York (Lincoln) Cavalry Regiment, have examined the same, and report:

That said William Winans enlisted August 5, 1861, and was discharged August 4, 1864, was a good soldier, and while charging a rebel battery at Martinsburg, W. Va., July 23, 1864, was wounded in the left shoulder by bursting shell, which killed his horse. He was also injured in right index finger.

The examining board report the claimant is not entitled to an increase. But the testimony of Dr. Bliss and others, copies of which are annexed, show that the medical board and the Pension Department erred in rejecting the application for increase, and therefore recommend the passage of annexed bill.

## GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA, ss:

In the matter of pension claim of William Winans, of Washington, D. C.

On this 20th day of March, A. D. 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Augustus Hubbell, aged —, a resident of Washington, District of Columbia, whose post-office address is No. 1513 F street N. W., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows: That he has been well and personally acquainted with claimant for about five years, and — years respectively, and that about the years 1881, '82, and '83 he and the claimant worked together in the Quartermaster-General's Office, in Washington, D. C. The claimant was put on work in the files of the office, a kind of work which required climbing of step-ladders and taking down and replacing file-boxes. He was not competent to do this kind of work, on account of his inability to use his left arm, either in reaching up to file-boxes or holding them when taken down. On account of this disability he was transferred to book-work, copying, &c. At this work he was not able to handle the books without great difficulty and pains of the left arm, and he was after awhile put on lighter clerical work. I have personal knowledge of the above facts, and since his discharge from the Quartermaster-General's Office I have had frequent opportunity to observe his physical condition, and I have known him to be laid up at several times with pains in the left arm. The claimant was discharged, as affiant was informed and believes, on account of inefficiency, being absent a considerable time on account of sickness, caused by the condition of his left arm.

He further declares that he has no interest in said case and is not concerned in its prosecution.

AUGUSTUS HUBBELL.

DISTRICT OF COLUMBIA, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read affidavit to said affiant, with its contents, before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a credible person.

[SEAL.] G. W. BALLOCH, Notary Public.

## GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA, ss:

In the matter of pension claim of William Winans, pending before Congress, of Washington, D. C.

On this 20th day of March, A. D. 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Thomas S. Chappell, aged forty-five, a resident temporarily of Washington, in the District of Columbia, whose post-office address is Washington, D. C., and —, aged forty-five years, a resident of Baltimore, Md., in the county of — and State of Maryland, whose post-office address is No. 621 H street northwest, Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case, as follows: That he has been well and personally acquainted with claimant for seven years, and that in the year 1881 he boarded with claimant for several months, and during all his acquaintance has had frequent opportunity to observe and know personally of the claimant's physical condition, especially with regard to his left arm. The claimant habitually carried his left arm and hand in a useless manner by his side. At table he could not use left hand to feed himself on account of not being able to raise the hand to his mouth. When attempting to handle even light objects the left hand was only used awkwardly and inefficiently, owing to weakness of hand and arm, and this only with the arm pendent or partly so. He complained constantly of pain in left arm and shoulder, and always manifested pain when attempting to use left hand and arm. Ever since my first acquaintance with him affiant has frequently and always observed the foregoing manifestations of the claimant's disability.

He further declares that he has no interest in said case, and is not concerned in its prosecution.

THOS. S. CHAPPELL.

DISTRICT OF COLUMBIA, County of Washington, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a credible person.

[SEAL.] THOMAS K. WALLACE, Notary Public.

## GENERAL AFFIDAVIT.

DISTRICT OF COLUMBIA, ss:

In the matter of pension claim of William Winans, of Washington, D. C., now pending before Congress.

On this 22d day of March, A. D. 1886, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, J. M. Pipes, aged forty-five; a resident of Washington, in the District of Columbia, whose post-office address is No. 1837 Ninth street northwest, in the county of Washington, and District of Columbia, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows: That they have been well and personally acquainted with claimant for three years and — years respectively, and that he has worked with the claimant about two years in the Quartermaster-General's Office, during the years 1884 and 1885. Our work was clerical. Claimant always complained of his left arm hurting him. He was apparently not able to do anything with it except to hold papers on the desk or in holding light articles when hanging down. In handling books, or even light articles, he always appeared to favor the left arm; this was the case in taking off or hanging up his coat. He used his right arm almost exclusively in performing any kind of work.

He further declares that he has no interest in said case, and is not concerned in its prosecution.

JAMES M. PIPES.

DISTRICT OF COLUMBIA, County of Washington, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read affidavit to said affiant, and acquainted him with its contents

before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

THOMAS K. WALLACE,  
Notary Public.

STATE, COUNTY, AND CITY OF NEW YORK,

Southern District New York, ss:

Be it known that on this the 12th day of February, 1886, personally appeared before me, Samuel H. Lyman, United States commissioner for said district, Jenyns C. Battersby, brevet-colonel late First New York (Lincoln) Cavalry, United States Volunteers, who, being duly sworn, maketh oath and saith that: On or about the 25th day of July, 1864, while in command of his troop (B) of said regiment, and while in line of battle near the town of Martinsburg, W. Va., a shell from the enemy's battery exploded in his rear and between the front and rear rank of his troop of horses, killing and wounding some of said horses (which fell upon the men), and wounding some of said men, one of whom was William Wynans, of said troop, and who for the time being was, to the best of deponent's knowledge and belief, unable to perform military duty.

Having no interest in this document, further deponent saith not.

JENYNS C. BATTERSBY.

Subscribed and sworn to before me this 12th day of February, 1886.

[SEAL.]

SAM'L H. LYMAN,

United States Commissioner, Southern District New York.

WASHINGTON, D. C., February 16, 1886.

I certify to the correctness of the within statement, sworn to by Bvt. Col. Jenyns C. Battersby, as to the wounding of William Wynans, of Company B, First New York (Lincoln) Cavalry Regiment, in the engagement at Martinsburg, W. Va., on the 25th day of July, 1864. I was in command of said regiment in said engagement and remember the circumstances very well. Said Wynans was a good and faithful soldier, and from his long sufferings by said wounds deserves, as I believe, an increase in his pension, which is entirely inadequate to the support of himself and family.

A. W. ADAMS,

Late Colonel First New York (Lincoln) Cavalry Regiment,  
and Brevet Brigadier-General United States Volunteers.

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me this 10th day of March, 1886, and I have no interest, &c.

[SEAL.]

G. W. BALLOCH, Notary Public.

## PHYSICIAN'S AFFIDAVIT.

DISTRICT OF COLUMBIA, ss:

In the pension claim No. 143474, of William Winans, Company B, First New York (Lincoln) Cavalry.

Personally came before me, a notary public in and for the aforesaid District, James C. Bird, a citizen of Washington, D. C., whose post-office address is No. 1336 G street northwest, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about five years, and that he was called in consultation with Dr. D. W. Bliss December 1, 1880, to Mr. William Winans, who was suffering from necrosis of the scapula (shoulder-blade). It was necessary to remove part of the bone. He was very much reduced at that time, so much so that I thought he would never recover from it. Since then, in August and September, 1884, in the absence of Dr. Bliss, I prescribed for Mr. Winans. He was suffering from debility, the effect of his wound.

He further declares that he has been a practitioner of medicine for thirty-three years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

JAMES C. BIRD, M. D.,  
1336 G Street N. W., Washington, D. C.

Sworn to and subscribed before me this 2d day of March, A. D. 1886, and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, &c., were fully made known to him before swearing; and I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.]

G. W. BALLOCH, Notary Public.

STATE OF NEW YORK,  
County of Westchester, ss:

On this 20th day of February, 1886, before me personally appeared Jerome Bell, who, upon being duly sworn, deposes and says, that he was a member of Company B, First New York (Lincoln) Volunteer Cavalry; that he was present at the battle of Martinsburg, W. Va., on the 25th day of July, 1864, and that while the regiment was advancing in line of battle and preparing to charge a rebel battery in our front, a shell came from the battery in question and burst in Company B line, killing the horses of William Winans, Thomas Pearl, and — Garland, and wounding all three named. Winans was wounded in his left shoulder by a piece of the shell.

The said Jerome Bell also deposes and says, that he was captured by a part of General Imboden's force near Berryville, Va., on or about the 13th day of October, 1863, while with a scouting party under the command Lieut. — New, of his regiment, and that on the next morning, before daybreak, the same force captured Charlestown, W. Va., and among the prisoners captured was William Winans, who was with his party the day before, but who escaped to Charles town, where he arrived with his horse founedered, and that he was in company with said Winans all the time they were prisoners, and until paroled about five months after, and that their sufferings while on Belle Isle were simply indescribable, and he would refer any one to histories of those places by able minds; he would state, though, that the James River (in which Belle Isle is situated) was frozen over three times that winter; that there was no shelter for more than one-fifth of the prisoners, and the food was of the coarsest and most meager kind, and that when we were paroled, Winans was a mere physical wreck, and had wasted to a skeleton, and went immediately to the hospital upon arriving at Annapolis, Md.

JEROME BELL.

Sworn to this 20th day of February, 1886, before me.

THOMAS MARTIN,

Justice of the Peace.

STATE OF NEW YORK,  
Westchester County, ss:

I, John M. Digney, clerk of the county aforesaid, and also clerk of the county and supreme courts in and for said county, the same being courts of record, do hereby certify that Thomas Martin, esq., whose name is subscribed to the annexed affidavit, was on the day of the date thereof a justice of the peace in and for said county, duly authorized to take the same, and that I verily believe the signature of the said affidavit is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said courts and county the 23d day of February, 1886.

[SEAL.]

JNO. M. DIGNEY, Clerk.

I certify that William Winans, clerk general service, detailed Quartermaster's Office, is suffering from gunshot wound (piece of shell) in left shoulder, and is in consequence unable to do the duty of handling files and lifting folios. I respectfully recommend lighter, or more suitable duty for him.

BASIL NORRIS,  
Surgeon, United States Army.  
UNITED STATES ARMY DISPENSARY, 1733 G STREET, N. W.,  
Washington, D. C., March 19, 1881.

I certify the above to be a true copy.

B. C. CARD,  
Quartermaster, United States Army.

FEBRUARY 21, 1883.

WASHINGTON, D. C., March 4, 1886.

To whom it may concern:

I certify that I have made a professional examination of William Winans, and find him suffering from a gunshot wound of the left arm and shoulder. A fragment of shell entered two inches below the acromion process of the scapula and immediately posterior to the humerus, and was removed three inches below the point of impact. The mobility of the shoulder-joint is impaired so as to prevent his raising the forearm and hand on a level with the chin. The hand can be placed behind the back with difficulty. At the time of my visit, November, 1880, a large abscess had formed extending posterior to the axilla arm, involving the anterior border of the scapula. Assisted by Dr. Bird, I made a free opening into the abscess and along the anterior border of the scapula, exposing it, a portion of which was necrosed or dead. This portion was removed, and after a period of two or three months the wound healed, and has remained so since. His disability for performing manual labor is total.

I have had the professional care of said Winans since September, 1880, and find that his general health has been greatly impaired and requiring frequent attention, and which I believe to be due to the injury and confinement and exposure during his retention in a rebel prison.

D. W. BLISS, M. D.

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me this 4th day of March, 1886; and I have no interest, &c.

[SEAL.]

G. W. BALLOCH, Notary Public.

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

MARY E. CASEY.

MR. VAN WYCK. I move that the Secretary be requested to ask the return from the House of Representatives of the bill (H. R. 5003) for the relief of Mary E. Casey, passed a day or two ago by the Senate.

THE PRESIDING OFFICER (MR. CULLOM in the chair). It will be so ordered unless there be objection.

AMENDMENTS TO BILLS.

MR. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MR. DAWES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

HENRY F. KAISER.

The bill (S. 2562) granting a pension to Henry F. Kaiser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry F. Kaiser, late a private in Company E, Forty-ninth Regiment Pennsylvania Volunteers.

MR. BUTLER. Let us have the report, Mr. President.

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

The Secretary read the following report, submitted by Mr. BLAIR June 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2562) granting a pension to Henry F. Kaiser, have examined the same, and report:

The claimant, Henry F. Kaiser, enlisted April 17, 1861, and served until July 29, 1861, in Company B, Twenty-fifth Pennsylvania Volunteers. He again enlisted August 6, 1861, and was discharged January 5, 1863, having served as a private in Company E, Forty-ninth Pennsylvania Volunteers. He first filed an application for a pension August 31, 1877, and again April 9, 1878, alleging that at Camp Griffin, Virginia, December 25, 1861, from cold exposure he became disabled so that he lost the sight of left eye and partial sight of right eye.

The claimant has on file the original discharge, dated January 5, 1863, at camp near White Oak Church, Virginia, stating that it is because "the said private has been blind of one eye for the last six months, and the other has become so affected that he is not able to see after night at all."

The claim was rejected March 9, 1885, on the ground that the alleged disease existed prior to enlistment.

It appears also that the soldier enlisted again at Harrisburg, Pa., in the Veteran Reserve Corps, December 29, 1863, and was mustered out December 23, 1865. Disability at date of enlistment in Veteran Reserve Corps, partial loss of sight of left eye.

The certificates of the examining boards show that in 1881 he had lost the sight of the left eye, and the right was very weak; June 8, 1883, total loss of sight of right eye, and can barely discern the light with the left eye; June 27, 1883, totally blind.

The claimant testifies that he can not furnish medical evidence showing his physical condition prior to and at the date of his enlistment, for the reason that he was a sailor on a merchant vessel for nine years prior thereto, and there were no doctors employed in the merchant service.

The testimony in this case is very voluminous, and the case has been several times examined by special examiners in the field. There is no question as to the existence of the disease in the service, and its continuance in a more severe degree and increasing intensity ever since. In addition to his own testimony there is the evidence of several comrades who served with him in his first three months' service that he was then sound and his eyesight good. The only evidence of any prior difficulty is very meager and indefinite in its character.

Your committee are of opinion that if the disease was not in its first inception due to the service, of which there seems to be little doubt, that it was certainly much aggravated thereby, and that after the Government twice accepted this man as a good soldier, and he rendered long and valuable service to his country

and was discharged for disability, that the weak and unsatisfactory evidence here presented of some slight previous weakness of the eyes should not prevent this poor blind soldier from now receiving a pension. We therefore report back the bill and recommend that it do pass.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,  
Washington, D. C., June 2, 1886.

SIR: In compliance with your request, I have the honor to transmit herewith the papers in the pension claim of Henry F. Kaiser, who served in Company E, Forty-ninth Pennsylvania Volunteers. Original invoice No. 241323. This claim was specially examined and rejected March 9, 1885, upon the ground that the alleged disease existed prior to enlistment.

Very respectfully,

JOHN C. BLACK, Commissioner.

Hon. JOHN I. MITCHELL,  
U. S. Senate.

MR. COCKRELL. What is the amount of pension granted by the bill?

THE PRESIDENT *pro tempore*. It states:

Place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Henry F. Kaiser.

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

RIVER AND HARBOR BILL.

THE PRESIDENT *pro tempore*. The hour of 12.30 having arrived, the Chair places before the Senate the river and harbor bill.

The Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

THE PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Minnesota [MR. MCMILLAN] from the Committee on Commerce.

MR. EDMUND. The amendment had not been read, I believe.

THE PRESIDENT *pro tempore*. The Chair is of opinion, though it is not expressly so stated, that there was an agreement that it should not be read.

MR. EDMUND. I think it ought to be read.

MR. MCMILLAN. I have no objection.

MR. INGALLS. I do not know what the agreement was, but I ask leave to make one observation.

Not desiring to delay or retard the progress of the bill, I did not interpose any objection to the request that was made to dispense with the reading of the amendment, because I was assured by the chairman of the committee that the amendment had been very carefully prepared, and relying upon that I was willing to accept his assurance that the amendment was in a condition fit to be voted upon by the Senate; but I ask the attention of the Senator from Minnesota to page 4 of his amendment, line 77:

Improving harbor at Block Island, Rhode Island: Continuing improvement, \$15,000; of which \$8,000 shall be expended on the breakwater and \$12,000 on the inner harbor.

Eight and twelve as I understand are twenty, according to my arithmetic, and this amendment provides that out of the \$15,000 for this improvement \$20,000 shall be expended in the way provided in that paragraph.

MR. PRESIDENT, is this amendment, with that showing, in a condition that justifies us in accepting it without any further consideration? Look again on page 7, line 142:

Improving harbor at Oswego, N. Y.: Continuing improvement, \$71,250; of which \$75,000 to be used in repairs and \$20,000 in continuing work on the harbor.

That is to say, there is an appropriation of \$71,250 and a designation of the expenditure of \$95,000.

Again, look on page 9, where there is an appropriation, beginning in line 176, for "improving harbor at Erie, Pa.: Continuing improvement, and also for the improvement of said harbor as recommended by the Chief of Engineers, January 13, 1885, \$37,500," and a proviso "that \$30,000 of said sum shall not be expended until the aforesaid title shall be accepted by the Secretary of War," leaving \$7,500 to be expended for the improvement.

Again, examine page 10:

Improving harbor at Norfolk, Va., and improving approach to Norfolk Harbor and the United States navy-yard at Norfolk—

For which \$187,500 are appropriated—

Of which \$100,000 shall be expended in improving the harbor, and \$150,000 in widening the channel of Elizabeth River.

Making an appropriation of \$187,500, and a specific direction for the expenditure of \$250,000.

I ran this amendment over casually this morning after the Senate assembled, and I found a great variety of such eccentricities, to say the least, as those to which I have called the attention of the Senate.

Look on page 19, beginning at line 438:

Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, \$22,500. \* \* \* \* \*

Eighteen thousand dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor, and in repairing piers at natural entry, and \$12,000 in dredging Saint Louis Bay.

That is to say, \$22,500 are appropriated, of which \$18,000 are to be

expended in one way and \$12,000 in another, making \$30,000 to be expended out of an appropriation of \$22,500.

Again, on page 25, beginning at line 584:

Improving Newtown Creek and Bay, New York: Continuing improvement \$37,500; of which \$12,500 to be expended—

In one way and \$12,500 in another, making \$25,000 out of the \$37,500, making no allusion whatever to the original appropriation nor to the reduction that has been made, but simply continuing the direction of the committee as if the appropriation had not been reduced.

Again, look at page 31:

Mr. MILLER. Would it not expedite business to commence the reading of the amendment and make these corrections as we go on?

Mr. INGALLS. No; because there may be more than these, and I only call attention to what I have seen in the most cursory and casual examination of this amendment in order that the attention of the Senate may be directed to them for the purpose of determining what we shall do in regard to the bill.

Look, on page 31, beginning at line 738:

Improving Roanoke River, North Carolina: Continuing improvement, \$15,000. Two thousand five hundred dollars, or so much thereof as may be necessary, of the aforesaid \$10,000 shall be used—

Mr. CHACE. Mr. President—

Mr. INGALLS. Do not interrupt me.

Mr. CHACE. The Senator will see the comma, which changes that sentence.

Mr. INGALLS. When I get through the Senator from Rhode Island will be at liberty to comment upon what I have said. There is a period after "fifteen thousand dollars," and there is no other mention anywhere in the paragraph of \$10,000, except in this declaration of the method in which this appropriation is to be expended:

Two thousand five hundred dollars, or so much thereof as may be necessary, of the aforesaid \$10,000 shall be used for the purpose of removing obstructions in the Thoroughfare and Coshock Creek.

That is to say, the appropriation is \$15,000, and \$2,500 "of the aforesaid \$10,000" is to be used for a specific purpose.

On page 33, beginning at line 799:

Improving Flint River, Georgia: Continuing improvement, \$15,000; of which sum \$5,000 are to be expended between Albany and Montezuma, and \$15,000 below Albany.

Making an appropriation of \$15,000 and an expenditure of \$20,000.

On page 34:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, \$11,250; of which sum \$5,000 to be expended below Geneva, and \$10,000 to be expended between Geneva and Newton, Alabama.

Making \$4,500 more designated than the sum appropriated.

And one more mysterious than all, on page 35:

Improving Manatee River, Florida: Continuing improvement, \$7,500; improving Pease River, Florida: Continuing improvement, \$2,250; of which \$5,000 may be expended on Pease River.

Mr. McMILLAN. That amendment was inserted by a vote of the Senate.

Mr. INGALLS. Here it is, and we are asked to vote upon it without reading.

Mr. McMILLAN. That item was inserted by the Senate after this amendment was prepared.

Mr. INGALLS. After appropriating for the general purpose, appropriating for Pease River, Florida, \$2,250 it declares—

Of which \$5,000 may be expended on Pease River.

On page 36:

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, \$18,750; to be expended below Vienna, \$15,000; and between Vienna and Fulton, \$10,000.

Making an appropriation of \$18,750, and an expenditure of \$25,000.

Again on page 41, beginning at line 992—

Improving White River, Arkansas: Continuing improvement, \$13,500; thirteen thousand of which, or so much thereof as may be necessary, to complete the survey of said river; the remainder for general improvement.

Without making any improvement at all, leaving \$500 out of \$13,500 to be devoted to the improvement and \$13,000 to the survey!

On page 45, beginning at line 1092—

Improving Saginaw River, Michigan: Continuing improvement, \$33,750.

And providing out of that for a distribution of \$27,500, leaving \$6,200 for the general purposes of the appropriation.

Page 56:

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, \$26,250; of which sum \$20,000 are to be used for pier construction.

Page 57:

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, \$375,000—

With a proviso—

Provided, That the Secretary of War, in his discretion, may use not to exceed \$100,000 of said sum of \$300,000—

The amount being \$375,000—

to correct the current of the river and improve the channel at Saint Louis.

Out of this total sum I find that by adding up the distributions that

are made for specific amounts there is a total amount of \$675,000 out of the amount without any reference to the original appropriation.

Mr. President, how much more there is in this amendment that has escaped my attention I do not know. I did not have the opportunity of seeing the amendment until I came in here this morning, and in the intervals of such other business as has been transacted I have given a casual examination to it, and I now submit, after this inspection that I have been able to give to it, it is hardly appropriate that I should be called upon to adopt in lump and in gross without further consideration the amendment offered by the committee.

I say this without any hostility to this bill. If it is reduced as the Senate has ordered, I intend to vote for it; but I do not think we ought to be called upon, even if time has been consumed and other matters are pressing, with such enormous discrepancies as appear there, to say that this committee have devoted to it the consideration that will require us to act without even having it read.

Mr. McMILLAN. This reduction was made in the amounts appropriated, and all the reductions have been made as stated to the Senate. The items to which the Senator from Kansas has called attention are mere clauses distributing the appropriations, made by the other bill, and those distributions are not matters of appropriations in the bill, but were all intended to be correct of course and made to conform with the appropriations as reduced by the amendment proposed by the committee. It is a mere clerical act to make them conform in the same proportion as in the bill to the amounts here appropriated. There is nothing at all the Senator has stated which need at all cause the Senate to hesitate.

I have not interposed any objection to the reading of the amendment. I have no objection to that being done. If the Senator wishes to make the corrections as he goes along, it can be done; but certainly all those distributions would have been made in the same proportion from the original bill as the appropriations have been reduced by the amendment.

Mr. CULLOM. May I inquire of the chairman what is his wish in the premises as to the manner of correcting the details?

Mr. McMILLAN. Let the amendments be read and let them be corrected as the reading proceeds.

Mr. INGALLS. I do not think the Senate ought to be called upon to make these computations. Our time can be better employed. The committee, as I understand, proposed to report a bill in such shape that we could intelligently vote upon it. There are other matters of great importance pressing here. I submit that before we are called upon to vote on this bill it ought to be presented to us in such a form that there will be some assurance at least that the necessary computations have been made. I think the committee ought to take it again and fix it up and present it to us in a proper shape.

Mr. MILLER. It can be done in a few hours.

Mr. FRYE. It can be done in an hour without the slightest difficulty. There are about twenty of those cases, my recollection is, in the whole bill; and it requires a very short computation which can be arrived in an hour at furthest. It seems to me it would be better to informally lay aside the bill for one hour, and by that time the chairman of the committee will be able to present a modified amendment which will be correct.

I desire to say one thing further. I was occupying the chair yesterday when the question of reading the amendment came up, and my recollection is not that the reading was dispensed with by unanimous consent. I do not think it was. The Senator from Vermont called for the reading of the amendment and immediately withdrew to escape it. After he withdrew the Senator from Virginia called for the reading of the amendment and the reading was commenced; but the Senator from Virginia withdrew his call after the reading had begun. I have no recollection whatever of submitting to the Senate the question whether the reading should be dispensed with, and I do not think it was done. I was occupying the chair at the time.

Mr. PLATT. Without any reference to this bill rather than any other bill, I think that the orderly way of proceeding in the Senate whenever an amendment is proposed is to have it read at length. I think if we make the exception in favor of this bill or this amendment, which has been proposed, it will at some time come back to plague us.

Therefore it seems to me that the best way is to have the reading of the same amendment which is proposed proceed. I think we shall be justly chargeable with doing business in an inconsiderate manner if we do not have all amendments which are proposed to any bill reported at the desk.

While the amendment is being read the chairman of the committee or the clerk of the committee can make all these computations, so that in ten minutes after the reading of the amendment is completed the changes can be stated.

I do not make any specific call for the reading of the amendment, but as that call has been made I think the reading should be proceeded with.

The PRESIDENT *pro tempore*. The amendment will be read at length.

Mr. VEST. Before it is read I wish to make a single remark. Yesterday when the Senator from Michigan [Mr. CONGER] addressed the Senate at the close of our afternoon session, on account of the confusion

in the Hall I was unable to catch distinctly what he said. I find in the RECORD this morning a very singular statement, which I am utterly at a loss to understand unless it was applicable to the Senator from Texas [Mr. COKE] and myself.

The Senator from Michigan said:

Why does he—

Meaning the Senator from Kansas [Mr. PLUMB]—speak of every single member of it—

That is, of the Committee on Commerce—

as having been influenced by some corrupt motive?

Mr. PLUMB. I disclaimed that in the beginning.

Mr. CONGER. The Senator has stated it, whether he disclaims it or not, and he has said here that there are but two men of all that committee who rose to confess, to own that they were corrupt and unscrupulous in accomplishing their objects.

Mr. President, if I had heard any such statement here it would have received from me a very stern, emphatic, and indignant denunciation. There were but two members of that committee who rose to speak in regard to this reduction of 25 per cent., and they were the Senator from Texas and myself. I heard no charge of any corrupt motive on the part of that Senator, and certainly not of myself, nor did I hear anything or say anything that could have been distorted or contorted into anything like a confession. I have no confession to make. I have done nothing I would not do again.

There were many things in the bill as reported from the Committee on Commerce, after six weeks of deliberation, from which I dissented and which I opposed with all my power in that committee, without going into the details now; but when a majority of the committee voted me down and concluded to report the bill as it came to the Senate, I said then that I would loyally support it with the exception of the Hennepin Canal appropriation, and I gave notice in the committee that I would oppose that in Senate as I had done in the committee.

The bill came into the Senate in accordance with what I understood was the agreement of the committee. I supported that bill loyally and earnestly, and for four days I stood here in connection with the Senator from Michigan, the Senator from New York, and the chairman of the committee, and fought for every provision in the bill. I considered it my duty to do so. I considered that to be the compact made in the committee.

What was the result? A majority of the committee here did not vote at all or voted against the committee on all the amendments that were brought in increasing the appropriations. There was but one legitimate result: the committee went to pieces, never got together afterward, and the bill was butchered in the Senate. None of its blood is upon my garments. I stood by it and fought to the best of my ability.

As to this charge of corruption, I have heard nothing but the ordinary amount of talk that we get upon every river and harbor bill—about the members of the committee taking care of their own States; and I have replied to it, as I have always, that it amounts to nothing in the opinion of the country; that there was no foundation whatever for any such imputation; that the Committee on Commerce was simply like the rest of the Senate, actuated by the same sort of motives; and that there was no venality or corruption at all which could be imputed to them.

This assumption that the Committee on Commerce have legislated alone for themselves is based upon the idea that the Senators who make it stand upon a sort of legislative pedestal above and beyond the ordinary motives that influence other Senators; and yet it is only necessary to call the yeas and nays to know the vote on a river and harbor bill in the Senate. A map of the United States will show the vote. Take States which have no navigable rivers and their Senators vote "nay" invariably and have always done so and will always do so. The Senator from North Carolina [Mr. VANCE] reminds me that there is one exception to that, the Senator from Nevada [Mr. JONES], a member of the Committee on Commerce, who I believe supports the bill; but I repeat that you can take a map of the United States and you will find the yeas and nays as they are here invariably. There are certain States whose Senators never vote for a river and harbor bill, and two or three of those Senators attack the Commerce Committee of the Senate and say that they have provided for their own States.

But what I rose to call attention to was this remarkable statement in the RECORD, that the Senator from Texas and myself had confessed to the Senator from Kansas that we were actuated by corrupt motives. Mr. President, any Senator who would so stultify himself would deserve to be expelled from this body. So far from making any confession I simply rose when the Senator from Kansas was making a wholesale attack upon the Committee on Commerce for having increased the appropriations in committee for their own States to call attention to the statement and to emphasize the injustice of it from the fact that I had made no such increase, not that I was better than the rest of the committee, but because I thought the best thing for the Mississippi River, in which I am more interested and in which my people are more interested than in any other portion of the bill, was to retain the appropriations as they were for fear that disaster might overtake the bill if there were increases of appropriations everywhere. That is all of it. I do not arrogate to myself any purer or higher motives or better instincts. I acted as a legislator to save the appropriation for that river,

because, without any claim to prescience, it seemed to me that if we went on loading down the bill by adding three or four million dollars, the very thing would happen which has happened in the Senate, that the Commerce Committee would be forced to cut down the bill themselves, if they would stay together, or else agree to a horizontal reduction such as is proposed now.

What is the operation of this amendment if it is carried? The Mississippi River receiving about one-half what it should receive, and the Missouri and the Ohio just the same, being cut down 50 per cent. under the estimates by the House, now receives a further reduction. There is a further reduction on the Mississippi River of \$800,000, of nearly \$200,000 in the case of the Ohio and \$200,000 in the case of the Missouri, while the Senators who have increased their appropriations in the committee from \$300,000 to a million dollars receive a little more than they would have received if the House bill had been adopted.

It is fair, is it just, because a Senator has not asked for an increase that he is subjected to the same Procrustean rule, and the great river of this continent has a reduction of \$800,000 because its friends on that committee, in the interest of the river, in the interest of the great commercial advantages which its improvement would give to the people of the Mississippi Valley, did not ask an increase, and their modesty, if you may so term it, is to be punished by a reduction of nearly a million dollars?

I can not vote for any such amendment. I was not in the committee when it was adopted. I shall fight it fairly and honestly because it is wrong in principle. We spent six weeks upon the bill in committee. We deliberated upon every amendment. The bill was increased a little, and after the committee by a large majority had put these increases upon the bill, we are now asked to cut off one-fourth of the whole amount without regard to the appropriations as they were made in the other branch of Congress.

Mr. CONGER. Mr. President, I, of course, made no such imputation in my speech in regard to the two Senators as the Senator from Missouri seems to have inferred from my remarks, knowingly or intentionally. I heard the speech of the Senator from Kansas [Mr. PLUMB], and without taking notes or having it before me I made such remarks as occurred to me upon what I had supposed was said. If I made any remarks that were not called for by the remarks of the Senator from Kansas, or did injustice to any one, I did it unintentionally.

However, I do find in the remarks of the Senator from Kansas that he said:

The Senator from Missouri and the Senator from Texas are the only two members of the committee who lack either the acquisitive faculty, or judgment, or energy, or whatever else may be required to carry a measure in that committee; "industry," the Senator from Massachusetts says; and my colleague adds "temptation," and I will put in all the other adjectives which can be suggested in that line. As I said, these two members of the committee are the only members who failed to get a large or at least an appreciable, as I now recall it, increase of the appropriations for their States, and they are the only two members who are opposed to this reduction.

Then followed a conversation between the Senator from Missouri [Mr. VEST] and the Senator from Minnesota [Mr. McMILLAN]. The Senator from Kansas [Mr. PLUMB] then said, after stating what he had started out to say:

As in the case of a confession made by a homicide, or any other criminal, the confession must be considered in connection with all the qualifying attendant circumstances which surround it before it can be used; and so the confession of a part of this committee exculpates them entirely.

That I find in the RECORD.

Mr. VEST. What page is that on?

Mr. CONGER. It is on page 6975, first column, near the top. That I had in my mind without any definite recollection of who those Senators were, and I repeat the language so that you will see what my thought was:

As in the case of a confession made by a homicide, or any other criminal, the confession must be considered in connection with all the qualifying attendant circumstances which surround it before it can be used; and so the confession of a part of this committee exculpates them entirely.

In my remarks, without knowing who the persons were, or without saying anything about them, coupling incidentally the remarks as to two, but not knowing even who those two were, for I had not heard all the remarks made before, I thought that applied to the Committee on Commerce as a confession of a part of the committee, and I made my remark in regard to it.

Mr. VEST. Will the Senator permit me to interrupt him?

Mr. CONGER. I will only say that I do not quite see the connection of that last clause with anything that appears in the RECORD. The Senator from Kansas, of course, will do me the justice to say whether there was anything that I might have had my attention called to in that connection left out of the RECORD. I do not suppose there was.

Mr. VEST. The Senator will permit me to say that I listened very carefully to the Senator from Kansas and I heard every word that he said. On account of his nearness to my seat I could hear him, but I could not hear the Senator from Michigan very distinctly. I understood that when the Senator from Kansas spoke of a confession he alluded to the chairman of the committee, because he goes on in the next sentence and says:

The Senator from Minnesota says that this reduction is made because the

committee was run on, like a wagon going down-hill sometimes runs on the team. He did not believe it at all; it was against his judgment, against his conviction, and everything of that kind, but yet he comes in and supports it.

There was nothing said by the Senator from Texas or myself against this bill or any provision of it. On the contrary I had advocated it, as the Senator from Michigan well knew.

Mr. CONGER. Neither did I say anything about the Senator from Missouri. The Senator will find here in this the statement was based upon remarks which I have read twice, "as in the case of a confession," &c. I merely disclaim having had any thought of allusion to the Senator from Missouri or the Senator from Texas. They have been firm and congenial advocates of this bill with myself, and in constant and continual consultation in the committee-room and elsewhere in regard to what would be the best bill.

I have never had a thought of either of them or of any other member of the committee doing anything improper. The remarks which I made were founded upon the clause which I have read twice, and as I say I do not see in the connection in that clause that there is anything which precedes it, what I certainly had in my mind, as something connecting those two clauses together, and I was probably laboring under some mistake as to what particular individuals that clause related to.

Mr. PLUMB. The Senator from Michigan rather insinuates or suggests that possibly something is in the RECORD which was not uttered or that something was left out of the RECORD which was uttered. I have this to say, that I did not see the report of the remarks which I made yesterday, and I have not yet read it; but on looking at the paragraph to which the Senator from Michigan calls attention, on page 6975, I will say that, while I do not think what is printed preserves the same connection in which it was used, that is to say that all the connecting language is not inserted in the RECORD, owing probably to some inevitable mistake on the part of the stenographer, at the same time what was said was in direct reference to the Senator from Minnesota [Mr. McMILLAN], and his interruptions of me and his own somewhat emphatic utterance of the ill way in which Minnesota had fared in the bill, thereby exculpating himself from what he deemed to be my charge against those members of the committee who are in favor now of scaling down the bill. Certainly it was not in my mind to make any charge against any member of the committee individually, or against the committee as a committee that would in any way be construed as imputing motives to them; and especially I excepted out from that anything which could reflect upon the Senator from Missouri and the Senator from Texas, to whom I alluded as having been entirely consistent in advocating the bill and still sticking by it.

In fact in what I said I had before my mind the difficulty under which the committee labored, being beset from all quarters about appropriations, and the necessity that was upon them of selecting from a multitude of objects of appropriation those which must go into the bill. But I confess that when the committee turned around upon itself, after having had an individual log-roll with the members of the Senate to stand by a large bill, and one member having conspicuously stated at two different places in my presence that the larger the bill—if not exactly that, that was the idea—the larger the bill the more certain it would be to receive the Presidential approval, and that he thought certainly, although himself a Republican yet gave what I understood as the suggestion of a Democrat, he having got the information close to the throne, it did seem to me a little out of place, and I thought worthy of characterization, that the committee should, without any previous explanation or information to anybody, come in here and propose to turn tail and not have the star performance go on, in not standing by these various items of appropriation upon the theory which they believed in, as I thought, that they were necessary, that they were proper, and that the money was in the Treasury to pay them. I certainly had no thought of characterizing the committee at all, although I did say what I thought about that method of expending the public money, and until we got some light on the subject I thought it ought not to influence our action in turning and opposing what had before been so strenuously favored.

Mr. COKE. I had not seen the RECORD until my attention was called to it by the Senator from Missouri. I did not happen to hear what occurred yesterday. I have listened to what the Senator from Michigan and the Senator from Kansas have said about it. As far as I am concerned, I am perfectly satisfied that both of those gentlemen were doing exactly what they thought was right, and that neither in tended any reflection upon myself or the Senator from Missouri.

As to my action on the committee I have no apologies to make to anybody about it. As a Senator I pursue the convictions of my own judgment. When I agree with the committee I go with it. When I differ with the committee I go my own way, and the committee goes its own way. I have supported the bill brought in by the committee mainly. In some respects I have opposed it.

To the proposition now before the Senate, brought in last by the committee, I am opposed. I believe that it will work injustice. I believe that it should never have been brought in, because the bill as it has been perfected and as it stands before the Senate is the deliberate judgment of the committee and the Senate in favor of the appropriations in the bill as they stand. The proposition to cut them down 25

per cent. is an unreasonable and illogical and unjust assault upon the previous action of the Senate and the committee in this regard.

I have heretofore given the reasons of my opposition to this substitute, and will say nothing more.

Mr. BECK. Mr. President—

Mr. McMILLAN. Will the Senator allow me?

Mr. BECK. I only want to say a few words.

Mr. McMILLAN. I was about to ask that the Secretary proceed with the reading of the amendment.

Mr. BECK. I do not hear the Senator.

The PRESIDENT *pro tempore*. The Senator from Kentucky has the floor.

Mr. McMILLAN. I will yield; I do not wish to interrupt the Senator.

Mr. BECK. Mr. President, I rise simply to say that as we are in a good deal of trouble about adjournment, the middle of July having been reached, that we have already wasted the greater part of two weeks on this bill, and that the amendment now proposed is perfectly well understood and no rereading of it will throw any new light on the subject. Of course it must be read if anybody desires it, but that will be a clear waste of time. We are as well prepared to vote upon the proposition without having it read as we would be afterward.

I propose to vote with the committee. They seem to think that this amendment will more likely enable them to pass the bill than if it is not adopted. They ought to know. I do not care what their reasons are, they, or a large majority of them, seem to think so. The bill ought to pass in some form, and as the committee believes that this is the best chance to pass it, I am willing to give them that opportunity.

One thing it certainly does, it throws open to consultation with the House or in conference whatever may be ascertained to be objectionable. If there is any objectionable feature that has been improperly inserted it can be stricken out. The whole subject is opened by adopting the amendment, because the proposition changes the whole action of the House. Yet, neither House loses control of the bill because it has to come back to each House for their consideration after whatever may be found wrong in it has been considered by the committee who have charge of it.

I said when the bill was first before the Senate that I was in favor of a liberal river and harbor bill if the sum appropriated was applied to such objects as benefited the people of the United States. There are provisions in this bill of which I do not approve. I voted against them, my vote is so recorded; but I am not prepared to vote against the whole bill because I was beaten in regard to those objectionable provisions any more than I was prepared to vote against the Post-Office appropriation bill after resisting for a long time what I considered a subsidy of \$800,000. The Senate overruled me and adopted it.

I voted for the bill although it was in. Fortunately, in my opinion at least, the House agreed with me. Though I was in the minority here, that subsidy is not a part of the law as it finally passed. Some of the things which I object to in the bill have been voted in here by a majority of the Senate, but they may yet get out of it before it gets through both Houses. I hope they will. I have done my best here to keep them out, yet I do not want to defeat the bill because they are in; that would destroy the good and bad features of it alike, and would prevent any consultation with the other House in regard to them. A defeat of the bill is the worst thing possible, and ought not to be attempted until every other effort to correct what is wrong in it has failed. All that is bad may be stricken out when the two Houses get together. I, at least, will vote for the amendment and take that chance.

In looking through the hundreds of provisions in it I find that for six or seven objects alone, such as the New York Harbor, the Mississippi River, the Ohio, the Missouri, the Columbia Rivers, and the Muscle Shoals in the Tennessee, there are about \$7,000,000 given, nearly one-half of the entire appropriation. When I look over it again for Boston Harbor and the harbor of refuge at Sandy Bay, which was said to be an important one, for Baltimore, Norfolk, Charleston, Savannah, Mobile, Galveston, Cleveland, Milwaukee, and Humboldt, Cal., I find about \$4,000,000 more, making \$11,000,000 for objects that everybody agrees ought to have liberal appropriations. Indeed, \$20,000,000 might well be given for these alone and still be within the estimates of the Department.

I would not object to increasing every one of those items so far as I am concerned, because we have too much idle money and because I do not regard the improvement of the harbor of New York, for example, as a New York improvement. If the grain of the West can get out of the harbor of New York 1 cent a bushel cheaper than it can now either from reduced freight or insurance, or both, because of an improved channel, that cent a bushel goes into the pockets of the men of Kentucky and Dakota; it is added to the profits of the men who raise the wheat. It does not go to the people of the city of New York.

When we improved the Mississippi and built jetties there, securing a 30-foot channel, so that a 3,000-ton ship can go out of it now as easily as a thousand-ton ship could go over the Southwest Pass before, the advantage of the improvement inured to the people of Kentucky quite as

much and I think more than it did to the people of Louisiana, because our freights passing down that great river exceed theirs, and so do the freights from Missouri and the great Northwest. So it is at Savannah, so it is at Mobile, at Norfolk, Wilmington, anywhere. Every improvement which cheapens transportation inures to the benefit of the man who produces the thing transported over that line, no matter where he lives or where the goods are produced.

As the Senator from Texas [Mr. COKE] very well said yesterday, after we have given empires to railroads, after we have given subsidies amounting to millions upon millions of dollars, we have no means of keeping down their freight charges except by improving the water ways of the country. Every improvement made in a water way forces down the freight charged by the railroad, because competition regulates that. When the rivers compete sharply the railroads have to decrease their charges. If we can afford to aid railways owned by corporations we can afford to aid free rivers, we can afford to improve harbors so as to encourage competition, and give all the people living everywhere the benefit of it.

I have no doubt that we in the West are more benefited by the improvement of the harbor of New York than any man living in the city of New York. I mean to say that our people send their wheat, their cattle, and their other products to foreign markets through that great port, and they have to send them there.

Therefore, I do not look upon improvements of that character as a local matter at all, nor do I complain of what has happened in the committees of either House. I have been on committees of both bodies long enough to know that men who are familiar with the wants of their own localities will always endeavor to get all they need even if other sections are pinched a little. The House committee no doubt did it. Our committee I assume did the same. The Senate committee was carefully selected. I took part in selecting the Democratic side of it. It is composed of men thoroughly acquainted with commercial matters and understand the value of cheap transportation, men who were interested in these great improvements. Both sides selected men from the different States who had to deal most largely with those subjects in choosing the members of that committee. No doubt they saw and felt keenly the importance of those improvements, and it may be that there are some differences in favor of the States they represent.

My friend from Indiana [Mr. VOORHEES] was laughing at me just now because I made a remark to him while this wrangle was going on that my countryman, Burns, in his advice to a "young friend," expressed the truth very well when he said:

But, oh, mankind are unco weak,  
And little to be trusted,  
If self the wavering balance shake,  
It's rarely right adjusted!

Perhaps there was some little selfishness in the committees of both Houses when they were looking at these questions, and there may have seemed a difference between the things they knew about and the things they did not know about personally; but that there was any desire to do any injustice or to take any advantage of other Senators I never have believed, and I do not believe now, and I do not think that any gentleman on this floor believes.

I am not a lecturer; I am no better than anybody else. I may have a little better temper than most of you; that is the only advantage I have. But I desire to say that there has been a little bit too much crimination and recrimination going on here for the last day or two. The press and the country are very apt to magnify it, and to say if such is our own estimate of ourselves we have not told the whole truth and it is worse than we admit it to be. Therefore it does not redound very much to our credit to have such things occur. The misunderstandings of this morning are all pleasantly settled now. I hope they will remain so, and that we will hurry on with our work and get away from here.

Mr. GIBSON. Mr. President—

Mr. HOAR. I rise to a question of order. Three or four Senators having demanded the reading of the amendment—

Mr. GIBSON. I wish to ask the Senator from Kentucky a question.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a point of order.

Mr. HOAR. I desire to raise the question whether any further debate is in order until that reading has been had.

The PRESIDENT *pro tempore*. When the reading of an amendment is demanded, that is the first thing to be done.

Mr. CULLOM. As the reading proceeds will it be in order to move such amendments as may seem necessary?

The PRESIDENT *pro tempore*. That can only be done by unanimous consent.

Mr. CULLOM. I ask that that course be pursued.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Illinois?

Mr. INGALLS. What is the proposition?

The PRESIDENT *pro tempore*. The proposition is that amendments may be moved as the reading proceeds.

Mr. GIBSON. I rose to get some information from the Senator from

Kentucky when he finished speaking. I desire to know of the Senator from Kentucky whether he intends to vote for the bill as proposed to be amended by the committee.

Mr. BECK. I shall do so because the committee have reported the bill back that way. It is only for that reason that I vote for it, and not because of any amount appropriated by it.

Mr. HOAR. I insist on my point of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts insists on his point of order. The reading of the amendment will be proceeded with and it may be corrected as the reading proceeds.

Mr. RIDDLERBERGER. I believe the amendment moved by me is in order, which proposed to amend the proposition coming from the committee. I ask that the whole of the bill be stricken out except the enacting clause, the committee says "after the enacting clause," and to insert, and I have not heard yet that that amendment has been entertained. The RECORD certainly shows it to have been offered.

Mr. PLATT. It is not in order until the amendment of the committee is read.

The PRESIDENT *pro tempore*. The amendment of the committee will now be read at length and will be open to modification as the reading proceeds by paragraphs.

Mr. VEST. I have a copy of the bill, but when the Senator from Kansas [Mr. INGALLS] was speaking I could not find the clauses I was looking for. Are there two prints?

Mr. INGALLS. There are two prints.

Mr. VEST. Which one is correct?

The PRESIDENT *pro tempore*. The bill as originally reported from the Committee on Commerce was printed, and the amendment now proposed by the committee has been printed separately.

The Secretary proceeded to read the amendment submitted by Mr. MCMILLAN, and read to line 41.

Mr. MCMILLAN. In line 39, "\$25,000" should be stricken out and "\$18,750" inserted, so as to read:

Improving harbor at Boston, Massachusetts: Continuing improvement, \$56,250; of which \$18,750 are to be expended at Fort Point Channel, on Part A, below Congress Street Bridge.

The PRESIDENT *pro tempore*. If there be no objection the amendment to the amendment will be made.

Mr. RIDDLERBERGER. I object.

The PRESIDENT *pro tempore*. Objection being made, the question is upon agreeing to the amendment to the amendment striking out "\$25,000" and inserting "\$18,750."

Mr. RIDDLERBERGER. Mr. President, I shall be very glad, if I am in order, to speak to this proposition.

This morning there has been a reflection on motives here which caused so many apologies, but the fact still stares us in the face that however much there may have been a kind of regret among Senators that their language yesterday was not such as they would have chosen in cooler debate, the devil underlies this bill all the same. I can comprehend why it is possible sometimes to get to the soft side even of a United States Senator.

This is the same amendment which proceeded from the committee that has criticised the action and the words of every Senator here who has dared to ask them whether they had considered the subject. I repeat again that they did not meet to prepare this proposition. I repeat that that committee, if it met at all, met after the original bill had been discussed, and that they met not earlier than 10 o'clock in the morning, and that they were in here before 11 o'clock.

I am not to be abashed, and I am not to be driven from my original position by the criticisms of members of that committee. The Senator from Michigan said yesterday what he thought was the duty of the true statesman. I will say what I think ought to be the duty of the true man. Did that committee consider this amendment? I say they did not, and if they did let them rise here and say that they did. There may be a true statesman and there may be a truthful man. I do not undertake to say that every member of that committee is not truthful, but then there is such a thing as *suppressio veri*. They have not dared yet to mention on this floor that they undertook to cut down the bill 25 per cent. because they had run away from their original proposition, which I think I am entitled to say I was the only Senator on this floor to attack. I am not ashamed of it, and I am not going to run away from the position which I took.

The Senator from Kentucky [Mr. BECK] has not treated this question as it deserves to be treated. He spoke of New York Harbor. I am in favor of improving that harbor. I am in favor of increasing, if we can do it, the commerce of this country. But when you take off 25 per cent. in the way in which it is proposed to be done, you take 25 per cent. off from the amount because you are afraid to take out the appropriations from the little streams which can not improve commerce and which promote no part of the commerce of this country.

This is what this bill does. It is a bill to make appropriations without regard to rivers and harbors, and I do not propose for one to let this committee escape, however much smoke shall be raised around it, like in a certain historical figure, by coming in and saying, "We reduce the appropriation 25 per cent." You ought not to take off 25 per cent. from the appropriations which you propose here for the improvement

of rivers and harbors when we take but 25 per cent. off that which we are capable of knowing here, knowing the streams in our own States, what we propose to give them and that it can avail nothing, leaving that which is necessary for the improvement of the navigable rivers and harbors of our country.

This 25 per cent. reduction ought to shame a man who knows that he is taking off one-fourth from New York, one-fourth from Norfolk, one-fourth from Newport News, one-fourth from the James River, one-fourth from all navigable streams. But the Government must at all times and even under distressing circumstances help little streams and little creeks. That is what it is proposed to do; that is what is done in this bill; and every time there is an apology made for it, every time that Senators seem to want to come down, as they did in this bill, by a 25 per cent. reduction to a kind of mercy seat, which they have established here this morning, I intend to discuss it even if I have to utter the same sentiments and employ the same phraseology every time.

Mr. HOAR. The pending amendment was introduced by the chairman of the Committee on Commerce. After it was introduced last night one or two small amendments were made in it by the Senate in order that it might conform with what had been passed in the original bill. The amendments which had been made in the original bill since it was prepared were made in it. If it were not for that the chairman would have a right, as a matter of course, to modify his amendment now in all these little details which require correction.

I therefore ask unanimous consent that he may have the right to modify the amendment, of course subject to being adopted by the Senate afterward, as if it was an original amendment introduced by him.

The PRESIDENT *pro tempore*. The Chair is of opinion that the Senator from Minnesota might modify that part of the amendment which has not already been acted upon by the Senate in any way. He has a right to do that as to the amendment, except that part of it which has been put in by a vote of the Senate.

This amendment to the amendment will be regarded as agreed to.

The reading of the amendment was continued to line 73.

Mr. HOAR. I should like to ask a question of the chairman of the committee at this point. On line 74, page 4, I suppose the word "complete" should be stricken out.

Mr. McMILLAN. Yes; it should be "continuing improvement."

Mr. HOAR. Let the words "continuing improvement" be inserted instead of the words "to complete," at the beginning of line 74, because this cuts down the appropriation 25 per cent., not leaving enough to complete the improvement of the harbor at Wood's Holl.

Mr. McMILLAN. Let the amendment be modified by striking out the words "to complete" and inserting the words "continuing improvement."

Mr. RIDDLEBERGER. I can not hear the discussion that goes on between Senators when they ask unanimous consent. If they want unanimous consent they ought to ask for it loud enough so that it can be responded to. I object to anything that can possibly go to the passing of this bill as it is reported from the committee, even if it is amended after the enacting clause.

Mr. McMILLAN. This is a mere modification to conform to the order of the Senate. In line 63, after the word "which," I propose to strike out "two thousand" and insert "fifteen hundred."

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

Mr. McMILLAN. In line 74 I move to strike out "to complete" and insert "continuing improvement."

The PRESIDENT *pro tempore*. That has already been done.

The reading of the amendment was resumed and continued to the end of line 80.

Mr. McMILLAN. In line 79, before "thousand," I wish to strike out "eight" and insert "six," and in line 145, before "thousand," to strike out "twelve" and insert "nine."

The PRESIDENT *pro tempore*. The amendment will be so modified.

The reading of the amendment was resumed and continued to the end of line 146.

Mr. McMILLAN. In line 144 strike out "seventy-five" before "thousand" and insert "fifty-six thousand two hundred and fifty;" and in line 145 strike out "twenty" before "thousand" and insert "fifteen."

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

The reading of the amendment was resumed and continued to the end of line 190.

Mr. McMILLAN. Instead of "\$30,000" in line 188 insert "\$22,500."

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

The reading was resumed and continued to the end of line 235.

Mr. McMILLAN. In line 229 insert "\$75,000" instead of "\$100,000," and in line 230 strike out "\$150,000" and insert "\$112,500."

The PRESIDENT *pro tempore*. The modifications will be made.

The reading was resumed and continued to the end of line 264.

Mr. McMILLAN. In line 262 strike out "\$2,000" and insert "\$1,500."

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

Mr. RIDDLEBERGER. Can the Senator from Minnesota explain this?

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River and formerly used as an ice-harbor.

To whom do the piers belong now?

Mr. McMILLAN. Those piers were erected by the General Government.

Mr. RIDDLEBERGER. Does the Government charge anybody for using or passing over them?

Mr. McMILLAN. No, sir.

Mr. RIDDLEBERGER. Then how does that become a part of a river and harbor bill?

Mr. McMILLAN. There is an appropriation made for an improvement at that harbor, and this is for the benefit of the harbor.

Mr. RIDDLEBERGER. The two items are not associated in this bill.

Mr. McMILLAN. They are all embraced.

Mr. RIDDLEBERGER. All in the same bill, but not close enough together to be associated. This is on page 9. I do not want to retard the reading of the amendment too long. I supposed the Senator would be ready to give a proper answer to any question about the details, as the committee had so much time to consider the bill.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the amendment was resumed and continued to the end of line 312.

Mr. McMILLAN. In line 309 strike out "forty" and insert "thirty," so as to read "\$40,000."

The PRESIDING OFFICER (Mr. CULLOM in the chair). That modification will be made.

The reading of the amendment was resumed and continued to the end of line 339.

Mr. McMILLAN. In line 338 strike out "\$3,750" and insert "\$2,812."

The PRESIDING OFFICER. That modification will be made.

The reading of the amendment was resumed and continued to the end of line 352.

Mr. McMILLAN. In line 351 strike out "\$2,500" and insert "\$1,875."

The PRESIDING OFFICER. That modification will be made.

The reading of the bill was resumed and continued to the end of line 354.

Mr. LOGAN. The clause just read is a reduction of the appropriation for Calumet Harbor. I wish to call attention to the fact that the sum fixed here is \$7,500, when the estimate was \$100,000, which I think is pretty low scaling. I shall ask the Senate to put it up to \$10,000 at least.

Mr. McMILLAN. Let the reading of the amendment be finished. We are correcting merely clerical errors while the amendment is being read.

Mr. LOGAN. The bill will not be amendable after it is gone through. The rule was stated by the President of the Senate that the amendments should be offered as we read the sections.

Mr. MILLER. The Senator is mistaken in regard to that, I think. The suggestion was that the chairman of the committee should correct his own amendment, by unanimous consent, while the reading went along. When the amendment has been read through and the chairman has made such corrections as he desires in order to put the whole amendment in the shape he desires, then of course it will be open to amendment the same as any other bill, but not till then.

Mr. LOGAN. If that is the understanding, I shall not interfere at this time; but the statement made by the President I took as notice that amendments could be offered during the reading, but if amendments can be offered afterward that will do just as well.

Mr. McMILLAN. As far as I am concerned, they can be.

Mr. LOGAN. I will wait until the reading is concluded. I propose to make the same motion in the next clause; I give notice now of it to the chairman that he may think about it. It is in reference to the Chicago Harbor.

The reading of the amendment was resumed and continued to the end of line 396.

Mr. McMILLAN. In line 595 strike "\$50,000" and insert "\$37,500."

The PRESIDING OFFICER. The modification will be made.

The reading was resumed and continued to the end of line 449.

Mr. McMILLAN. In line 443 strike out "\$18,000" and insert "\$13,500;" and in line 446 strike out "12,000" and insert "\$9,000."

The PRESIDING OFFICER. Those modifications will be made.

The reading of the amendment was resumed to the end of line 485.

Mr. McMILLAN. In line 467 there is a misprint. Strike out "until" and insert "unless;" so as to read:

Unless the report of said board shall be in favor of making said canal free to commerce.

The PRESIDING OFFICER. That modification will be made.

The reading was resumed and continued to the end of line 583.

Mr. McMILLAN. In line 582 strike out "\$20,000" and insert "\$15,000."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 593.

Mr. McMILLAN. Strike out "\$12,500" and insert "\$9,375" in line 586; and in line 589 strike out "\$12,500" and insert "\$9,375." The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 606.

Mr. McMILLAN. In line 605 strike out "\$3,000" and insert "\$2,250."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 639.

Mr. McMILLAN. In line 634 strike out "\$40,000" and insert "\$30,000," and in line 637 strike out "\$10,000" and insert "\$7,500." The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 690.

Mr. McMILLAN. In line 688 strike out "\$5,000" and insert "\$3,750," and the same change in line 689.

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 712.

Mr. McMILLAN. In line 705 strike out "\$2,500" and insert "\$1,875."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 719.

Mr. McMILLAN. In line 715 strike out "\$15,000" and insert "\$11,250."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 743.

Mr. McMILLAN. In line 739 strike out "\$2,500" and insert "\$1,875," and in line 741 strike out "\$10,000" and insert "\$15,000." The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 794.

Mr. McMILLAN. In line 792 strike out "ten thousand" and insert "seven thousand five hundred."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 803.

Mr. McMILLAN. In line 800 strike out "\$5,000" and insert "\$3,750," and in line 802 strike out "\$15,000" and insert "\$11,250."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 829.

Mr. McMILLAN. In line 826 strike out "\$5,000" and insert "\$3,750," and in line 328 strike out "\$10,000" and insert "\$7,500."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 839.

Mr. FRYE. I call the attention of the Senator from Florida [Mr. CALL] to the clause from line 835 to line 839.

Mr. McMILLAN. That is an amendment inserted in the Senate. I can not change it.

Mr. FRYE. The item needs amendment.

The PRESIDING OFFICER. The understanding is that the chairman of the committee may go through with the amendment of the committee so as to correct it before any amendments are made by the Senate. The reading will proceed.

The reading of the amendment was resumed and continued to the end of line 873.

Mr. McMILLAN. In line 871 strike out "\$15,000" and insert "\$11,250," and in line 872 strike out "\$10,000" and insert "\$7,500."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 877.

Mr. McMILLAN. In line 876 strike out "\$2,000" and insert "\$1,500."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 892.

Mr. McMILLAN. In line 889 strike out "\$3,000" and insert "\$2,250," and in line 890 strike out "\$3,000" and insert "\$2,250."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 908.

Mr. McMILLAN. In line 907 strike out "\$5,000" and insert "\$3,750."

The PRESIDING OFFICER. The modification will be made. The reading was resumed and continued to the end of line 944.

Mr. McMILLAN. In line 940 strike out "\$25,000" and insert "\$18,750."

The PRESIDING OFFICER. That modification will be made. The reading of the amendment was resumed and continued to the end of line 956.

Mr. McMILLAN. In line 955 strike out "\$7,500" and insert "\$5,625."

The PRESIDING OFFICER. The modification will be made. The reading was resumed and continued to the end of line 976.

Mr. McMILLAN. In line 974 strike out "\$13,000" and insert "\$9,750," and in line 965 strike out "\$10,000" and insert "\$7,500;" and in line 976 strike out "\$8,000" and insert "\$6,000."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to line 982.

Mr. McMILLAN. In line 979 strike out "\$1,500" and insert "\$1,125."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 985.

Mr. BERRY. The words "Texas and the Indian Territory" were stricken out by order of the Senate.

The PRESIDING OFFICER. The Chair understands the Senator is right. The words "Texas and the Indian Territory" were stricken out by order of the Senate.

Mr. McMILLAN. Let the amendment be so modified.

The PRESIDING OFFICER. The modification will be made. The reading of the amendment was resumed and continued to the end of line 996.

Mr. McMILLAN. In line 993 strike out "\$13,000," at the end of the line, and insert "\$9,750."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 1097.

Mr. McMILLAN. In line 1094 strike out "\$22,500" and insert "\$16,875," and in line 1096 strike out "\$5,000" and insert "\$3,750."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 1139.

Mr. McMILLAN. In line 1131 strike out "\$8,000" and insert "\$6,000."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 1147.

Mr. McMILLAN. In line 1146 strike out "\$12,000" and insert "\$9,000."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 1192.

Mr. McMILLAN. In line 1191 strike out "\$5,000" and insert "\$3,750."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 1278.

Mr. McMILLAN. In line 1276 strike out "\$28,000" and insert "\$21,000."

Mr. DOLPH. I ask the chairman of the committee if that is absolutely necessary; if that is not an expenditure for which \$28,000 is required for a snag-boat?

Mr. EDMUND. It is like all the others. Let it go.

Mr. McMILLAN. It is like the others.

The PRESIDING OFFICER. The modification will be made.

The reading of the amendment was resumed and continued to the end of line 1300.

Mr. VEST. There is a mistake in the print. In line 1293 we amended the clause by striking out the words "repairs of" and taking the letter "s" off the word "works;" making the clause read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, &c.

Mr. McMILLAN. That was the amendment.

The PRESIDING OFFICER. That modification will be made.

Mr. VEST. Now I move—

Mr. McMILLAN. Will the Senator from Missouri withhold any motion until we get through with the formal corrections?

The PRESIDING OFFICER. The Senate is going through the amendment, making the necessary corrections to put the amendment in the shape desired by the chairman of the committee.

Mr. VEST. Very well.

The reading of the amendment was resumed and continued to the end of line 1340.

Mr. McMILLAN. In line 1308 strike out "\$50,000" and insert "\$37,500;" in line 1310 strike out "\$25,000" and insert "\$18,750;" in line 1318 strike out "\$37,500" and insert "\$28,125;" in line 1337 strike out "\$25,000" and insert "\$18,750;" and in line 1339 strike out "\$15,000" and insert "\$11,250."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 1362.

Mr. McMILLAN. In line 1352 strike out "\$8,000" and insert "\$6,000;" and in line 1355 strike out "\$20,000" and insert "\$15,000."

The PRESIDING OFFICER. Those modifications will be made. The reading of the amendment was resumed and continued to the end of line 1367.

Mr. McMILLAN. In line 1365 strike out "\$20,000" and insert "\$18,750."

The PRESIDING OFFICER. That modification will be made. The reading was resumed and continued to the end of line 1398.

Mr. McMILLAN. In line 1387 strike out "\$50,000" and insert "\$37,500;" in line 1392 strike out "\$30,000" and insert "\$22,500;" in line 1396 strike out "\$100,000" and insert "\$75,000;" and at the end of the same line strike out "\$500,000" and insert "\$375,000."

The PRESIDING OFFICER. Those modifications will be made. The reading was resumed and continued to the end of line 1461.

Mr. McMILLAN. In line 1441 strike out "\$100,000" and insert "\$75,000;" in line 1443 strike out "\$250,000" and insert "\$187,500;" in line 1448 strike out "\$50,000" and insert "\$37,500;" in line 1450 strike out "\$100,000" and insert "\$75,000;" in line 1455 strike out

"\$50,000" and insert "\$37,500;" in line 1453 strike out "\$75,000" and insert "\$56,250;" in line 1459 strike out "\$25,000" and insert "\$18,750;" and in line 1460 strike out "\$25,000" and insert "\$18,750."

**THE PRESIDING OFFICER.** Those modifications will be made.

The reading was resumed and continued to the end of line 1478.

**MR. McMILLAN.** That concludes the reading of the first section, and I desire to correct the amendment made by the Senate. On line 835, page 35:

Improving Manatee River, Florida: Continuing improvement, \$7,500; improving Pease River, Florida: Continuing improvement, \$2,250; of which \$3,000 may be expended on Pease River.

I move to amend that so as to read:

Improving Manatee and Pease Rivers, Florida: Continuing improvement, \$9,750; of which \$5,000 may be expended on Pease River.

The Senator from Florida [Mr. CALL] consolidated the two items in the bill, and this reduces the gross amount.

**THE PRESIDING OFFICER** (Mr. FRYE in the chair.) That modification will be made.

The reading of the amendment was continued to line 133 of section 5.

**MR. HOAR.** The words "Manchester Harbor" should be inserted under the head of "Massachusetts." It was by a mistake that those words were omitted.

**THE PRESIDING OFFICER.** The amendment will be corrected by the insertion of those words.

The Secretary resumed the reading of the amendment and continued the reading to line 204 of section 5.

**MR. McMILLAN.** In line 204 "Glencoe Harbor" should read "Glen Cove Harbor."

**THE PRESIDING OFFICER.** That correction will be made.

The reading was resumed and continued to section 6.

**MR. HOAR.** The last "section 6" should be "section 7."

**MR. EDMUND.** The Secretary will arrange that under the general order.

The Secretary resumed and concluded the reading of the amendment.

**MR. McMILLAN.** In line 1310 I suggest a change from "\$25,000" to "\$18,750."

**THE PRESIDING OFFICER.** That change will be made. The reading of the amendment having been concluded, the question before the Senate is on striking out all after the enacting clause of the bill and inserting the amendment offered by the Senator from Minnesota.

**MR. MITCHELL,** of Oregon. I ask for the yeas and nays.

The yeas and nays were ordered.

The amendment as corrected is to strike out all of the bill after the enacting clause and in lieu of the matter stricken out insert:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Rockland, Me.: Continuing improvement, \$22,500.

Improving breakwater at mouth of Saco River, Maine: Continuing improvement and repairs, \$9,375.

Improving harbor at Portland, Me.: Continuing improvement, \$30,000.

Improving the channel in Back Cove, Portland, Me.: Continuing improvement, \$26,250.

Improving harbor at York, Me., \$11,250.

Improving harbor at Portsmouth, N. H.: Continuing improvement, \$11,250.

Improving the harbor of refuge at Little Harbor, New Hampshire: Continuing improvement, \$7,500.

Improving harbor at Burlington, Vt.: Continuing improvement, \$18,750.

For a breakwater at Gordon's Landing, on Lake Champlain, to be built on the 12-foot curve mentioned in the papers accompanying the report of the Secretary of War to the Senate, dated March 1, 1886 (Executive Document No. 81, Forty-ninth Congress, first session), \$18,750.

Improving harbor at Boston, Mass.: Continuing improvement, \$56,250; of which \$18,750 are to be expended at Fort Point Channel, on Part A, below Congress street bridge.

Improving harbor at Lynn, Mass.: Continuing improvement, \$4,500.

Improving harbor at Nantucket, Mass.: Continuing improvement, \$11,250.

Improving Hyannis Harbor, Mass., \$7,500.

Improving harbor at Newburyport, Mass.: Continuing improvement, \$37,500.

Improving harbor at Wareham, Mass.: Continuing improvement, \$11,250.

Improving harbor at Plymouth, Mass.: Continuing improvement, \$4,500.

Improving harbor at Hingham, Mass.: Continuing improvement, \$4,500.

Improving harbor at Provincetown, Mass.: Continuing improvement, \$2,250.

Improving harbor at Gloucester, Mass., \$3,750; of which \$1,500, or so much as may be needed, for a survey, and remainder on Babson's Ledge.

For the national harbor of refuge of the first class at Sandy Bay: Continuing improvement, \$75,000.

Improving harbor at Scituate, Mass.: Continuing improvement, \$7,500.

Improving harbor at Westport, Mass.: Continuing improvement, \$750, for sand-fence.

Improving harbor at Wood's Hole, Mass.: To continue improvement, \$10,875.

Improving harbor at Block Island, R. I.: Continuing improvement, \$15,000; of which \$6,000 shall be expended on the breakwater and \$9,000 on the inner harbor.

Improving harbor at Newport, R. I.: Continuing improvement, \$11,250.

Improving harbor at Bridgeport, Conn.: Continuing improvement, \$15,000.

Improving harbor at Black Rock, Conn.: Continuing improvement, \$3,750.

Improving breakwater at New Haven, Conn.: Continuing improvement, \$75,000.

Improving harbor at New Haven, Conn.: Continuing improvement, \$15,000.

Improving harbor at New London, Conn.: Continuing improvement, \$1,500.

Improving harbor at Norwalk, Conn.: Continuing improvement, \$2,250.

Improving harbor at Stonington, Conn.: Continuing improvement, \$15,000.

Improving harbor at Stamford, Conn.: Continuing improvement, \$7,500.

Improving harbor at Buffalo, N. Y.: Continuing improvement, and repairs on the outer breakwater, \$112,500.

Improving Buttermilk Channel, New York: Continuing improvement, \$56,250.

Improving breakwater at Rouse's Point, N. Y.: Continuing improvement, \$15,000.

Improving harbor at Dunkirk, N. Y.: Continuing improvement, \$15,000.

Improving harbor at Canarsie Bay, New York: Continuing improvement, \$7,500.

Improving harbor at Charlotte, N. Y.: Continuing improvement and repairs, \$26,250.

Improving harbor at Flushing Bay, New York: Continuing improvement, \$7,500.

Improving channel at Gowanus Bay, New York: Continuing improvement, \$5,625.

Improving harbor at Great Sodus Bay, New York: Continuing improvement, \$16,875.

Improving harbor at Greenport, N. Y.: Continuing improvement, \$3,750.

Improving harbor at Little Sodus Bay, New York: Continuing improvement, \$9,375.

Improving harbor at Oak Orchard, N. Y.: Continuing improvement by repairs, \$9,375.

Improving harbor at Olcott, N. Y.: Continuing improvement and repairs, \$7,500.

Improving harbor at Wilson, N. Y.: Continuing improvement, \$7,500.

Improving harbor at Ogdensburg, N. Y.: Continuing improvement, \$7,500; which, together with the amount on hand, is to be used in removing obstructions from the mouth of the Oswegatchee and continuing the excavation at the lower harbor up stream.

Improving harbor at Oswego, N. Y.: Continuing improvement, \$71,250; of which \$56,250 to be used in repairs, and \$15,000 in continuing work on the harbor.

Improving harbor at Rondout, N. Y.: Continuing improvement, \$1,875.

Improving harbor at Saugerties, N. Y.: Continuing improvement, \$11,250.

Improving harbor at Sheepscott Bay, New York: Continuing improvement, \$3,750.

Improving New York Harbor, New York: Continuing improvement to secure a 30-foot channel at mean low water at the Sandy Hook entrance of the harbor, upon such plan as the Secretary of War may approve, \$750,000.

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, \$11,250.

Improving harbor at Raritan Bay, New Jersey: Continuing improvement, \$37,500.

Improving harbor at Plattsburg, N. Y.: Continuing improvement, \$3,750.

For a more thorough and definite survey and examination of the harbor at Atlantic City, N. J., with a view to making a harbor of refuge at that point, \$3,750; said examination and survey to be made by a board consisting of three United States engineers.

Improving harbor at Erie, Pa.: Continuing improvement, and also for the improvement of said harbor as recommended by the Chief of Engineers January 13, 1885, \$37,500: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States, from the marine hospital of Erie, Pa., the title to the peninsula of Presque Isle, at Erie, Pa., as tendered by the said marine hospital, agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871: *And provided further*, That \$22,500 of said sum shall not be expended until the aforesaid title shall be accepted by the Secretary of War.

Improving ice-harbor at Marcus Hook, Pennsylvania: Continuing improvement, \$11,250.

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River, and formerly used as an ice-harbor.

Improving Delaware Breakwater, Delaware: Continuing improvement, \$56,250.

Improving ice-harbor at New Castle, Del.: Continuing improvement, \$3,750.

Improving harbor at Wilmington, Del.: Continuing improvement, \$18,750.

Improving harbor at Baltimore, Md.: Continuing improvement, \$150,000.

Improving harbor at Breton Bay, Maryland: Continuing improvement, \$4,875.

For continuing the improvement of the Potomac River in the vicinity of Washington, with reference to the improvement in navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with existing plans, \$375,000: *Provided*, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.

Improving harbor at Norfolk, Va., and improving approach to Norfolk Harbor and the United States navy-yard at Norfolk: Continuing improvement by widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point light and Fort Norfolk, \$187,500; of which \$75,000 shall be expended in improving the harbor and \$112,500 in widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point light and Fort Norfolk, beginning at Lambert's Point light, including the construction of the proposed dike.

Improving harbor at Beaufort, N. C.: Continuing improvement, \$11,250.

Improving harbor at Edenton Bay, North Carolina: Continuing improvement, \$1,500.

Improving the inland water way between New Bern and Beaufort, N. C., \$7,500.

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, \$187,500.

Improving Winyaw Bay, South Carolina: Continuing improvement, \$18,750.

Improving harbor at Georgetown, S. C.: Continuing improvement, \$3,750.

Improving harbor at Brunswick, Ga.: Continuing improvement, \$22,500.

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, \$112,500.

Improving harbor at Savannah, Ga.: Continuing improvement, \$150,000.

Improving harbor at Apalachicola Bay, Florida: Continuing improvement, \$9,000; of which \$1,500 may, in the discretion of the Secretary of War, be expended at the Carabelle or Crooked River.

For examination and survey of the entrance to harbor at Key West, Fla., \$1,875.

Improving harbor at Pensacola, Fla.: Continuing improvement, \$15,000.

Improving harbor at Tampa Bay, Fla.: Continuing improvement, \$7,500.

Improving harbor at Cedar Keys, Fla., \$5,250.

Improving harbor at Mobile, Ala.: Continuing improvement, \$90,000.

Improving harbor at Biloxi Bay, Miss.: Continuing improvement, \$9,375; which sum, together with the money on hand heretofore appropriated for the roadstead, is hereby directed to be used in deepening the channel from Mississippi Sound to the wharves at Biloxi.

Improving Aransas Pass and Bay up to Rockport and Corpus Christi, Tex.: Continuing improvement, \$101,250.

Improving Brazos Santiago Harbor, Texas: Continuing improvement, \$37,500.

Improvement of entrance to Galveston Harbor, Texas: Continuing improvement, \$300,000.

Improving Pass Cavallo, Texas: Continuing improvement, \$37,500.

Improving Sabine Pass and Blue Buck Bar, Texas: Continuing improvement, \$198,750.

Improving ship-channel in Galveston Bay, Texas, from Morgan's Cut to Bolivar Channel: Continuing improvement, for which purpose the balance now remaining of the money heretofore appropriated for this work is hereby directed to be expended by the Secretary of War in the completion of said channel, in accordance with the plans heretofore adopted, and in marking out said channel by piles or stakes, so as to enable navigators to find the same without difficulty.

Improving harbor at Ashtabula, Ohio: Continuing improvement, \$30,000.

Improving harbor at mouth of Black River, Ohio: Continuing improvement, \$7,500.

Improving harbor at Cleveland, Ohio, on the last plan projected, \$93,750; of which \$30,000 are to be used in building a parapet on the existing breakwater, and the \$100,000 now on hand to be available for work on the last plan.

Improving harbor at Fairport, Ohio: Continuing improvement, \$18,750.

Improving harbor at Huron, Ohio: Continuing improvement, \$2,250.

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, \$37,500.

Improving harbor at Port Clinton, Ohio, by repairs of existing works, \$1,500.

For the purpose of acquiring the title to the land adjoining the inner end of the west pier built by the United States for the improvement of the harbor at Port Clinton, Ohio, the Secretary of War shall negotiate with the owner or owners of the land for the purchase thereof at a reasonable price, to be approved by Congress; and if an agreement as to price can not be made with the owner, then the value of the same shall be ascertained in the mode provided by the laws of Ohio for the condemnation of lands for public uses in that State, the result of said proceedings of condemnation, if taken, to be reported to the next Congress for its approval.

Improving harbor at Sandusky City, Ohio, by dredging the channel through the outer bar and within the bay; and for this purpose the money appropriated by act of July 5, 1884, now on hand, is hereby made available, and the further sum of \$2,812 is hereby appropriated.

Improving harbor at Toledo, Ohio: Continuing improvement of the Maumee River by a straight channel along such line as may be approved by the Secretary of War, \$112,500; and the balance of the \$25,000 heretofore appropriated are hereby made available for clearing the old channel.

Improving harbor at Vermillion, Ohio: Continuing improvement, \$2,250.

Improving harbor at Michigan City, Ind.: Continuing improvement, \$56,250; of which sum \$1,875 are to be used on the inner harbor.

Improving harbor at Calumet, Ill.: Continuing improvement, \$7,500.

Improving harbor at Chicago, Ill.: Continuing improvement, \$75,000.

Improving harbor at Wankegan, Ill.: Continuing improvement, \$15,000.

Improving harbor at Charlevoix and entrance to Pine Lake, Mich.: Continuing improvement, \$7,500.

Improving harbor at Cheboygan, Mich.: Continuing improvement, \$11,250.

Improving harbor at Frankfort, Mich., by extension of piers and repairs: Continuing improvement, \$5,250.

Improving harbor at Grand Haven, Mich.: Continuing improvement, \$30,000.

Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, \$26,250.

Improving harbor at Ludington, Mich.: Continuing improvement, \$56,250.

Improving harbor at Manistee, Mich.: Continuing improvement, \$7,500.

Improving harbor at Marquette, Mich.: Continuing improvement, \$7,500.

Improving harbor at Monroe, Mich.: By repairs, \$1,500.

Improving harbor at Muskegon, Mich.: Continuing improvement, \$9,375.

Improving harbor at Ontonagon, Mich.: Continuing improvement, \$9,750.

Improving harbor at Pent Water, Mich.: Continuing improvement, \$7,500.

Improving harbor at Portage Lake, Michigan: Continuing improvement, \$11,250.

Improving and repairing harbor of refuge at Sand Beach, Mich.: Continuing improvement, \$75,000; of which not exceeding \$37,500 are to be used in repairs.

Improving harbor at Saint Joseph, Mich.: Continuing improvement, \$7,500.

Improving harbor at Saugatuck, Mich.: To complete improvement, \$6,000.

Improving harbor at South Haven, Mich.: Continuing improvement, \$3,750.

Improving harbor at White River, Michigan: Continuing improvement, \$7,500.

Improving harbor at Black Lake, Mich.: Continuing improvement, \$3,750.

Improving harbor at Ahnapee, Wis.: Continuing improvement, \$11,250; but no part of said sum is to be expended until the wharfage over the Government piers at that port shall be made free.

Improving harbor at Green Bay, Wis.: Continuing improvement, \$5,250.

Improving harbor at Kenosha, Wis.: Continuing improvement, \$3,750.

Improving harbor at Keweenaw, Wis.: Continuing improvement, \$7,500.

Improving harbor at Manitowoc, Wis.: Continuing improvement, \$11,250.

Improving harbor at Menomonee, Wis.: Continuing improvement, \$2,250.

Improving harbor of refuge at Milwaukee, Wis.: Continuing improvement on bay and harbor, \$60,000.

Improving harbor at Oconto, Wis.: Continuing improvement, \$6,000.

Improving harbor at Port Washington, Wis.: Continuing improvement, \$3,750.

Improving harbor at Racine, Wis.: Continuing improvement, \$7,500.

Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, \$22,500; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior. Thirteen thousand five hundred dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor, and in repairing piers at natural entry, and \$9,000 in dredging Saint Louis Bay, along the dock-line on the Wisconsin shore, from deep water at Connor's Point toward deep water at Grassy Point.

Improving harbor at Sheboygan, Wis.: Continuing improvement, \$11,250.

Improving harbor at Sturgeon Bay, Wisconsin: Continuing improvement, \$3,750.

Improving harbor at Ashland, Wis.: Continuing improvement, \$22,500.

For making free of toll to commerce the Sturgeon Bay and Lake Michigan Ship-canal, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin, \$112,500, or so much thereof as may be necessary: *Provided*, That no part of said sum shall be expended until the Secretary of War shall have caused an examination to be made by a board of three United States engineers into the importance and value to commerce and navigation of the free use of said ship-canal, and unless the report of said board shall be in favor of making said canal free to commerce: *And provided further*, That no part of said sum shall be expended until the Secretary of War shall be satisfied, upon investigation, as to the actual cost of said canal to said company; and then only so much of said sum shall be expended as the said Secretary of War shall be satisfied is necessary to reimburse the said company for advances and expenses actually made and incurred in constructing said canal, and in maintaining the same, over and above the net proceeds of the lands granted by Congress to aid in constructing said canal, and over and above the tolls received therefrom, with interest, as provided by the act of Congress making said grant, approved April 10, 1866; and none of said moneys shall be expended except upon a full and absolute conveyance to the United States of said ship-canal, harbor, easements, rights of way, piers, docks, and appurtenances of every name and nature pertaining to said work, free and clear of all liens and incumbrances.

Improving harbor at Duluth, Minnesota: Continuing improvement, and enlarging basin between Minnesota and Rice's Points, \$56,250; of which a sum not exceeding \$500 may be used in placing buoys in the channels and elsewhere where needed in the harbor; and the consent of the United States is hereby given to a change of the existing dock-line on the east side of Rice's Point by the municipal authorities of Duluth: *Provided*, That such change meets the approval of the Secretary of War.

Improving harbor at Grand Marais, Minn.: Continuing improvement, \$7,500.

Improving harbor at Agate Bay, Minnesota, \$22,500.

Improving harbor at Lake City, Minn.: Continuing improvement, \$7,500.

Improving harbor and bay at Humboldt, Cal.: Continuing improvement, \$75,000: *Provided*, That no part of said sum shall be expended until 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War, after the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Improving harbor at Oakland, Cal.: Continuing improvement, \$60,000.

The sum of \$8,250, or so much thereof as may be necessary, is hereby appropriated for a survey of San Francisco Harbor, San Pablo Bay, Suisun Bay, Strait of Carquinez, mouth of San Joaquin River, and mouth of Sacramento River, Cal.

Improving harbor at Red Wood, Cal.: Continuing improvement, \$3,750.

The sum of \$3,750, or so much thereof as may be necessary, is hereby appropriated for examination, survey, and estimated cost of obtaining a channel 250 feet wide and 24 feet deep at mean low water across the outer bar, and from thence to a point abreast of beacon No. 2 in San Diego Harbor, California; also, of obtaining a navigable channel at least 8 feet in depth at mean low water at Newport Harbor, California; also, of the establishment of a breakwater extending in a southeasterly direction one-fourth of a mile, more or less, along the sunken reef commencing at or near Whaler's Point, so called, at San Luis Obispo Harbor, California.

Improving harbor at Wilmington, Cal.: Continuing improvement, \$56,250.

Improving harbor at Yaquina Bay, Oregon: Continuing improvement, \$75,000.

Improving harbor at entrance of Coos Bay, Oregon, \$33,750.

Improving harbor at Portland, Oreg., \$3,750.

Improving Lubec Channel, Maine: Continuing improvement, \$7,500.

Improving Moosebee Bar, Maine: Continuing improvement, \$7,500.

Improving Penobscot River, Maine: Continuing improvement by widening the channel opposite Bangor and removing obstructions near Crosby's Narrows, \$11,250.

Improving Saco River, Maine, \$9,375.

Improving Narragansett River, Maine, \$7,500.

Improving Cocheo River, New Hampshire: Continuing improvement, \$7,500.

Improving Ipswich River, Massachusetts, \$1,875.

Improving Warren River, Rhode Island, \$3,750.

Improving Pawtucket River, Rhode Island: Continuing improvement, \$30,000.

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, \$30,000.

For removing Green Jacket Shoal, Providence River, Rhode Island, \$26,250.

Improving Pawcatuck River, Rhode Island, \$9,000.

Improving Connecticut River below Hartford, Conn.: Continuing improvement, \$25,250.

Improving Housatonic River, Connecticut, \$3,750.

Improving Thames River, Connecticut: Continuing improvement, \$22,500.

Improving East Chester Creek, New York: Continuing improvement, \$7,500.

Improving Hudson River, New York: Continuing improvement, \$26,250; of which \$15,000 may be used for the removal of the rock in channel at Van Wie's Point.

Improving Newtown Creek and Bay, New York: Continuing improvement, \$37,500; of which \$9,375 to be expended on west branch between Maspeth avenue and Dual Bridge, at Grand street and Metropolitan avenue; \$9,375 to be expended on main branch, between Easterly Grand Street Bridge to Metropolitan avenue; and balance on lower end, from Maspeth avenue to the mouth of the creek.

Improving Hell Gate, New York: Continuing improvement, \$112,500.

Improving Narrows at Lake Champlain, New York, from Benson, Vt., to canal locks at Whitehall, N. Y., \$30,000.

Improving Ticonderoga River, New York: Continuing improvement, \$1,500.

Improving Maurice River, New Jersey: Continuing improvement, \$3,750.

Improving Passaic River, New Jersey: Continuing improvement, \$26,250; of which \$2,250 are to be used above Newark.

Improving Raritan River, New Jersey: Continuing improvement, \$26,250.

Improving Shrewsbury River, New Jersey: Continuing improvement, \$7,500.

Improving South River, New Jersey: Continuing improvement, \$3,750.

Improving Saint Jones River, Delaware: Continuing improvement, \$7,500.

Improving Nanticoke River, Delaware: Continuing improvement up to and near the town of Laurel, Del., \$7,500.

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, \$90,900; but no charges or tolls shall be collected on any other part of the river on any commerce on said river which originates above the works herein appropriated for.

For beginning the construction of a dam at Herr's Island, in the Allegheny River, near Pittsburgh, Pa., \$37,500.

Improving Allegheny River, Pennsylvania: Continuing improvement, \$30,000.

Improving Schuylkill River, Pennsylvania: Continuing improvement, \$18,750.

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, \$210,000; of which \$30,000 shall be applied to improving the channel between Camden, N. J., and Philadelphia, Pa., and \$7,500, or so much thereof as may be needed, shall be expended on said river and its tidal tributaries above Bridesburg.

Improving Choptank River, Maryland: Continuing improvement, \$7,500.

Improving Corsica Creek, Maryland: Continuing improvement, \$7,500.

For rebuilding piers at Battery Island, head of Chesapeake Bay, which were carried away by ice, strengthening and protecting the works at that point from future destruction, \$12,956.25.

Improving Susquehanna River, Maryland and Pennsylvania: Continuing improvement, \$4,500; to be expended above the Philadelphia, Wilmington and Baltimore Railroad bridge.

Improving Pocomoke River, Maryland: Continuing and completing improvement, \$6,000.

Improving, by dredging and otherwise, the inland water way from Chincoteague Bay, Virginia, to Delaware Bay at or near Lewes, Delaware, to be used from Chincoteague Bay to Indian River Bay, \$18,750.

Improving Appomattox River, Virginia: Continuing improvement, \$18,750.

Improving Chickahominy River, Virginia: Continuing improvement, \$3,000.

Improving James River, Virginia: Continuing improvement below Richmond, \$7,500.

Improving Mattaponi River, Virginia: Continuing improvement, \$3,750.

Improving New River, Virginia: Continuing improvement between the lead-mines, in Wythe County, and the mouth of Wilson's Creek, in Grayson County, \$7,500, together with the \$3,000 now on hand.

Improving Pamunkey River, Virginia: Continuing improvement, \$3,750.

Improving Rappahannock River, Virginia: Continuing improvement, \$15,000.

Improving Staunton River, Virginia: Continuing improvement, \$7,500; one-half of which is to be expended between the mouth of Pig River and the Midland Railroad crossing.

Improving York River, Virginia: Continuing improvement, \$18,750.

Improving Dan River, Virginia: Continuing improvement, \$7,500.

Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, \$30,000; of which sum \$3,750 are to be expended on Tug Fork, in West Virginia, and \$3,750 on Lava Fork, in Kentucky.

Improving Buckhannon River, West Virginia: Continuing improvement, \$1,125.

Improving Great Kanawha River, West Virginia: Continuing improvement, \$187,500.

Improving Elk River, West Virginia: Continuing improvement, \$1,125.

Improving Guyandotte River, West Virginia: Continuing improvement, the amount heretofore appropriated is hereby made available for this purpose.

Improving Little Kanawha River, West Virginia: Continuing improvement, \$16,875; of which \$1,875 shall be used in continuing the improvement of navigation above the West Fork. But no toll shall be collected by any person or corporation for this improved navigation; and such right, if any exist, shall be relinquished, in manner satisfactory to the Secretary of War, before the expenditure of any of the money herein appropriated for this work.

Improving Cape Fear River, North Carolina: Continuing improvement, \$188,750; of which sum \$11,250 are to be expended above Wilmington, the remainder below and opposite the city of Wilmington, including as much of its northeast branch as lies in front of Wilmington, within the city limits.

Improving Contentnea Creek, North Carolina: Continuing improvement, \$11,250.

Improving Currituck Sound, Coanjk Bay, and North River Bar, North Carolina: Continuing improvement, \$7,500.

Improving Neuse River, North Carolina: Continuing improvement, \$22,500.

Improving New River, North Carolina: Continuing improvement, \$7,500.

Improving Pamlico and Tar Rivers, North Carolina: Completing improvement, \$3,750.

Improving Black River, North Carolina, \$2,250: *Provided*, That all claims of private parties to the navigation of the river shall be ceded to the United States, free of charge, before the commencement of said improvement.

Improving Roanoke River, North Carolina: Continuing improvement, \$15,000. One thousand eight hundred and seventy-five dollars, or so much thereof as may be necessary, of the aforesaid \$15,000 shall be used for the purpose of removing obstructions in the Thoroughfare and Coshoke Creek.

Improving Trent River, North Carolina: Continuing improvement, \$2,625.

Improving Dan River, North Carolina: Continuing improvement between Madison, N. C., and Danville, Va., \$7,500.

Improving Yadkin River, North Carolina: Continuing improvement, \$7,500.

Improving the inland water way between Beaufort Harbor and New River, North Carolina, through Bogue Sound, \$7,500.

Improving Ashley River, South Carolina: Continuing improvement, \$750.

Improving Edisto River, South Carolina: Continuing improvement, \$2,250.

Improving Great Pee Dee River, South Carolina: Continuing improvement, \$15,000.

Improving Salkiehatchie River, South Carolina: Continuing improvement, \$1,500.

Improving Santee River, South Carolina: Continuing improvement, \$18,750; no part of which sum is to be used for the construction of any road bridge across the Mosquito Creek Canal: *Provided*, That if salt water be found flowing into said Mosquito Creek, \$5,000 of said sum, or so much thereof as may be necessary, shall be used for the construction of a flood-gate at upper end of the canal, to prevent the same.

Improving Waccamaw River, South Carolina: Continuing improvement, \$11,250.

Improving Wappo Cut, South Carolina: Continuing improvement, \$3,750.

Improving Wateree River, South Carolina: Continuing improvement, \$5,625: *Provided*, That no part of said sum shall be expended until all bridges now obstructing the navigation of said river shall have been provided with suitable draw-spans, fenders, and other aids to navigation at such bridges as the Secretary of War may direct for the purpose of affording free navigation of said river; and the Secretary of War is hereby authorized and directed to cause such changes to be made in said bridges, at the expense of the owners thereof, as in his opinion are necessary to make the navigation of said river through said bridges free and safe.

Improving Congaree River, South Carolina, \$5,625.

Improving Altamaha River, Georgia: Continuing improvement, \$15,000; of which \$7,500 are to be used on Doboy Bar, or so much thereof as may be necessary.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, \$15,000.

Improving Coosa River, Georgia and Alabama: Continuing improvement, \$45,000.

Improving Flint River, Georgia: Continuing improvement, \$15,000; of which sum \$3,750 are to be expended between Albany and Montezuma and \$11,250 below Albany.

Improving Ocmulgee River, Georgia: Continuing improvement, \$5,625.

Improving Oconee River, Georgia: Continuing improvement, \$5,625.

Improving Romely Marsh, Georgia: To complete improvement, \$17,475; and so much of said sum as may be necessary may be applied by the engineer in charge, with the approval of the Secretary of War, to pay for work done on said improvement, under the direction of the War Department, since the last appropriation was exhausted.

Improving Savannah River below Augusta, Ga.: Continuing improvement, \$11,250.

Improving Apalachicola River, Florida: Continuing improvement, \$750.

Improving Caloosahatchee River, Florida: Continuing improvement, \$3,000.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, \$11,250; of which sum \$3,750 to be expended below Geneva, and \$7,500 to be expended between Geneva and Newton, Ala.

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, \$5,625.

Improving La Grange Bayou, Florida: Continuing improvement, \$1,500.

Improving Manatee and Pease Rivers, Florida: Continuing improvement, \$9,750; of which \$5,000 may be expended on Pease River.

Improving channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, \$150,000.

Improving Suwanee River, Florida: Continuing improvement, \$3,750.

Improving Volusia Bar, Florida: To complete improvement, \$5,625.

Improving Withlacoochee River, Florida: Continuing improvement, \$2,250.

Improving Alabama River, Alabama: Continuing improvement, \$11,250.

Improving Black Warrior River from Tuscaloosa to Daniels Creek, Alabama, \$56,250, together with the \$47,000 on hand; to be expended in accordance with the plan adopted by the board of engineers.

Improving Cahaba River, Alabama: Continuing improvement, \$5,625: *Provided*, That no part of said sum shall be expended until the officer in charge shall have reported that the railroad and other bridges across said river have been provided with good and sufficient draw-openings.

Improving Tallapoosa River, Alabama: Continuing improvement, \$5,625.

Improving Warrior River, Alabama: Continuing improvement, \$18,750; to be expended below Tuscaloosa.

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, \$18,750; to be expended below Vienna, \$11,250; and between Vienna and Fulton, \$7,500.

Improving Big Sunflower River, Mississippi: Continuing improvement, \$3,750; of which \$1,500 to be expended between Woodburn and Lehrton.

Improving Noyxbee River, Mississippi: Continuing improvement, \$5,625.

Improving Pascagoula River, Mississippi: Continuing improvement, including bar at the mouth, and from there to the mills at Moss Point, \$15,000; and the balance of the money now on hand heretofore appropriated for improving Horn Island Pass is to be applied to the same purpose.

Improving Pearl River, Mississippi: Continuing improvement, \$17,625; of which \$2,250 are to be expended between Edinburg and Carthage, \$2,250 between Carthage and Jackson, and the remainder below Jackson, including bar at the mouth of East Pearl River.

Improving Steele's Bayou, Mississippi, including Washington Bayou: Continuing improvement, \$1,875.

Improving Tallahatchie River, Mississippi: Continuing improvement, \$2,625.

Improving Tchula Lake, Mississippi: Continuing improvement, \$1,500.

Improving Yallabusha River, Mississippi: Continuing improvement, \$1,500.

Improving Bayou Pierre, Mississippi: Continuing improvement, \$3,750.

Improving Yazoo River, Mississippi: Continuing improvement, \$11,250; of which \$3,750, or so much as may be necessary, to be used in repairing snag-boat.

Improving Big Black River, Mississippi: Continuing improvement, \$3,750: *Provided*, That no part of this appropriation shall be used until the State of Mississippi shall have first caused the bridges over said stream south of the Vicksburg and Meridian Railroad to be so constructed as not to obstruct the navigation of said stream.

Improving Amite River, Louisiana: Continuing improvement, \$1,500.

Improving Bœuf River, Louisiana: Continuing improvement, and for closing Outlet No. 1, \$3,750.

Improving Bayou Bartholomew, Louisiana and Arkansas: Continuing improvement, \$3,750.

Improving Bayou Courtbeau, Louisiana: Continuing improvement, \$3,750.

Improving Bayou D'Arbonne, Louisiana: Continuing improvement, \$1,500.

Improving Bayou Terrebonne, Louisiana: Continuing improvement, \$7,500.

Improving Cypress Bayou and the lakes between Jefferson, Tex., and Shreveport, La., Texas and Louisiana: To complete improvement, \$13,500.

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, \$3,000.

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to Atchafalaya River, Louisiana, including completing the work at Alexandria, \$71,250; of which sum \$18,750, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya River, and in completing the survey of Bayou Pierre, Louisiana.

Improving Techesuneta River and Bogue Falua, Louisiana: Continuing improvement, \$1,875; to be expended in the improvement of Bogue Falua up to Covington.

Improving Tickfaw River, Louisiana: Continuing improvement, \$1,500; to be expended on its navigable tributaries.

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, \$13,125; of which \$6,625, or so much thereof as may be necessary, for repairing snag-boat Wagner.

Improving Calcasieu River and Pass, Louisiana: Continuing improvement to secure a navigable channel 8 feet deep over the bars affecting the entrance to said river and pass, and for this purpose the money on hand heretofore appropriated for improvement of Calcasieu River is to be used.

Improving mouth of Brazos River, Texas: Continuing improvement, \$18,750.

Improving Buffalo Bayou, Texas: Continuing improvement, \$18,750.

Improving Saint Francis River, Arkansas and Missouri, to the town of Saint Francis: Continuing improvement, \$6,000.

Improving Arkansas River, Arkansas: Continuing improvement, \$56,250: *Provided*, That if in the opinion of the Secretary of War it shall be necessary, the sum of \$9,750 may be expended at Fort Smith, \$7,500 at Dardanelles, and \$6,000 at Pine Bluff.

For the removal of snags, wrecks, and other obstructions in the Arkansas River, \$19,875; of which sum \$1,125, or so much thereof as may be necessary, shall be used to complete the survey of the Arkansas River between Little Rock, Ark., and Wichita, Kans.

Improving Red River, Arkansas, above Fulton, Ark., \$5,250.

Improving Little Red River, Arkansas, \$2,250.

Improving Black River, Arkansas and Missouri, \$3,750.

Improving Petit Jean River, Arkansas, \$2,625.

Improving White River, Arkansas: Continuing improvement, \$13,500; \$9,750 of which, or so much thereof as may be necessary, to complete the survey of said river; the remainder for general improvement.

For removing the rock shoals in Fourche River, Arkansas, situate four miles south of Perryville, in Perry County, Arkansas, according to the plans of the engineers for creating a 50-foot channel, \$3,750.

Improving Big Hatchee River, Tennessee: Continuing improvement, \$2,250.

Improving Caney Fork River, Tennessee: Continuing improvement, \$2,250.

Improving Clinch River, Tennessee: Continuing improvement, \$3,750.

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, with a view to secure in the channel a depth of 4 feet, commencing with the lock at or near the lower island at Nashville, \$75,000.

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, \$9,375.

Improving French Broad River, Tennessee: Continuing improvement, \$4,500.

Improving Tennessee River above Chattanooga, Tennessee: Continuing improvement, \$5,625.

Improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvements at these localities, \$282,500.

Improving Kentucky River, Kentucky: Continuing improvement, \$187,500.

Improving Tradewater River, Kentucky: Continuing improvement, \$1,500.

Improving the Falls of the Ohio River at Louisville, Ky.: Continuing improvement, \$150,000.

The Secretary of War is hereby authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and of the Monongahela Navigation Company, situated on the Monongahela River, in the State of Pennsylvania; and in order to acquire such information the Secretary of War shall appoint a board of three competent engineers from the Engineer Corps of the United States Army, which board shall in each case report to the Secretary of War, who shall report thereon to Congress at its next succeeding session; and the cost of such examination shall be paid out of the sum appropriated by this act for surveys: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of the said works.

Improvement of the Muskingum River, Ohio, between Zanesville and the mouth of the river, and for operating the same, \$15,000. And the United States hereby accepts from the State of Ohio the said Muskingum River improvement,

and all the locks, dams, and their appurtenances, and the canals, belonging to said improvement, and all the franchises and property of every kind, and rights, in said river, and its improvements, now owned, held, and enjoyed by the State of Ohio, including all water leases and rights to use water under and by virtue of any lease of water now running and in force between the State of Ohio and all persons using said water, hereby intending to transfer to the United States such rights in said leases and contracts as are now owned, held, or reserved by the State of Ohio; but not to affect any right to the use of the water of said river now owned and held by the lessees of any water right under any lease or contract with the State of Ohio. And the United States hereby assumes control of said river, subject to the paramount interest of navigation. The provisions of this act, so far as they relate to the Muskingum River, shall not take effect, nor shall the money hereby appropriated be available, until the State of Ohio, acting by its duly authorized agent, turns over to the United States all property ceded by the act of the General Assembly aforesaid, and all personal property belonging to the improvement aforesaid, and used in its care and improvement, and any balance of money appropriated by said State for the improvement of said river, which is not expended on the 15th day of July, 1886.

Improving Clinton River, Michigan: Continuing improvement, \$4,500.

Improving Detroit River, Michigan: Continuing improvement, \$37,500.

Improving Saint Clair Ship-canal, Michigan: Continuing improvement, \$18,750.

Improving Saint Mary's River, Michigan: Continuing improvement by a new lock and approaches, \$18,750.

Improving Hay Lake Channel, Michigan: Continuing improvement, \$112,500.

Improving Saginaw River, Michigan: Continuing improvement, \$33,750; of which \$16,875 are to be used above Bay City, and \$3,750 in improving the west channel along West Bay City.

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, \$262,500, or so much thereof as may be necessary: *Provided*, That before said moneys shall be expended the Secretary of War shall cause an examination to be made by a board of three engineers to ascertain and report upon the importance and value of the free use of said two harbors of refuge and the water communications across Keweenaw Point to the commerce and navigation of the lakes, and the reasonableness of the price therefor, and shall have received from said board a report favorable to such purchase by the United States, and also upon full and absolute conveyance to the United States of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to or connected with said works, or either of them.

Improving Chippewa River, Wisconsin: Continuing improvement from the Dalles Dam to its mouth, \$18,750.

Improving Fox River, Wisconsin: Continuing improvement below Montello, on the approved plan, \$56,250. And the Secretary of War is hereby directed to have the examination and survey of the Wisconsin River from Portage to the mouth, now being made by a board of engineers, completed as soon as practicable, and a report thereof made on or before the meeting of the next session of Congress. And the sum of \$6,000 of the above appropriation, or so much thereof as may be necessary, may be expended at or near Portage City to prevent the overflow of the Wisconsin River into the Upper Fox River, so as to prevent injury to the Government works on Fox River; and this expenditure may be made separately or, if deemed more economical by the Secretary of War, in adding to any protecting works which may be made by the State of Wisconsin.

Improving Saint Croix River, Wisconsin and Minnesota: Continuing improvement, \$5,625.

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids, and on the river from Grand Rapids to its mouth, \$60,000; and \$9,000 to be expended on the river at Grayville.

Improving White River, Indiana: Continuing improvement below Hazelton, \$5,625.

Improving Calumet River, Illinois: Continuing improvement, \$30,000; of which \$15,000 are to be used between the Forks and one-half mile east of Hammond, Ind.; \$7,500 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana; and \$7,500 on the river at Hammond, Ind.: *Provided*, however, That no part of said sum, nor any sum heretofore appropriated, except the said \$15,000 for the river above the Forks, shall be expended until the entire right of way, as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners, to the satisfaction of the Secretary of War; and if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged: *Provided*, however, That the other owners of property and parties interested in said improvement shall first execute bond to the United States, to be approved by the Secretary of War, for the payment of the costs of such proceedings, and to pay any judgment that may be rendered therein; and on failure to do so the proceedings shall be dismissed.

Improving Illinois River, Illinois: Continuing improvement, \$112,500; of which sum \$3,750 may be expended in dredging the river in front of Peoria.

The grant of the Illinois and Michigan Canal, its rights of way, and all its appurtenances, and all right, title, and interest which the State of Illinois may have in any real estate heretofore ceded to the State of Illinois by the United States for canal purposes, made to the United States by an act of the General Assembly of the State of Illinois approved April 28, 1882, be, and is hereby, accepted on the terms and conditions specified in the act of the General Assembly of the State of Illinois.

For the construction of a canal from the Illinois River, at or near the town of Hennepin, in the State of Illinois, to the Mississippi River, at or above the mouth of Rock River, in said State, together with such feeders and other works that may be necessary to supply said canal with water, \$225,000. Said canal shall be known as the Illinois and Mississippi River Canal, and shall be constructed on such route as may be determined by the Secretary of War: *Provided*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and feeders, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary

for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use: *Provided further*, That said canal shall be 80 feet wide at the water-line and 7 feet deep, with a capacity for vessels of at least 230 tons burden, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and feeder as specified in said survey.

Improving Gasconade River, Missouri: Continuing improvement, \$5,625.

Improving Osage River, Missouri: Continuing improvement by snagging and removing obstructions, \$7,500.

Improving Red River of the North, Minnesota: Continuing improvement from Breckenridge to the northern boundary line of the United States, including dredging, removal of snags and boulders, and construction of wing-dams, &c.; and the money heretofore appropriated for locks and dams is hereby made available for this purpose.

Improving Yellowstone River between Glendive and the mouth, Montana: Continuing improvement, \$18,750.

Improving Mokelumne River, California, by removing obstructions, \$1,875.

Improving Sacramento and Feather Rivers, California, \$40,000 of the money heretofore appropriated for improving said rivers that may remain unexpended at the end of the present fiscal year, for snagging and dredging operations; \$10,000 to complete dredges authorized by act of July 5, 1884; the balance of said unexpended money not to be used until the Secretary of War be satisfied that hydraulic mining hurtful to navigation has ceased on said rivers and their tributaries.

Improving San Joaquin River and Stockton and Mormon Sloughs, California: Continuing improvement, \$18,750.

Improving canal at the Cascades, Oregon: Continuing improvement, \$187,500.

Improving the Upper Columbia River, including Snake River, Oregon and Washington Territory: Continuing improvement, \$7,500.

Improving the mouth of the Columbia River, Oregon, \$187,500.

Improving Lower Willamette River, and Columbia River below Portland, Oreg.: Continuing improvement, \$75,000; of which sum \$21,000 for a snag-boat to be used on the Willamette and Columbia Rivers.

Improving the Upper Willamette River above Portland, Oreg.: Continuing improvement, \$7,500.

Improving Coquille River, Oregon: Continuing improvement, \$15,000.

Improving Chehalis River, Washington Territory: Continuing improvement, \$1,875.

Improving Cowlitz River, Washington Territory: Continuing improvement, \$1,500.

Improving Skagit, Steilaquamish, Nootsack, Snohomish, and Snoqualmie Rivers, Washington Territory: Continuing improvement, \$7,500.

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Plattsburgh, Brownsville, and Nebraska City, \$375,000; to be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, \$60,000, under the direction of the Secretary of War.

For removing obstructions in the Missouri River, \$22,500.

Improving the Ohio River: Continuing improvement, including Davis Island Dam, \$375,000; out of which sum \$37,500 are to be expended at Grand Chain in removing rocks and other obstructions to navigation at that locality; also \$18,750 may be expended in constructing or aiding in the construction of such an embankment on the south side of the Great Miami River, near its junction with the Ohio, as may be necessary to confine the waters of the Great Miami in great floods to the general course of its channel at or near the Ohio, to the end that the formation of the bar in the Ohio River now forming and obstructing navigation may be arrested; also \$28,125, or so much thereof as may be necessary, of said appropriation shall be expended in constructing five ice-piers, pursuant to the present or prospective plans of the Chief of Engineers, at or near the following places, to wit: One at Pomeroy, Ohio; one at Middleport, Ohio; one at Gallipolis, Ohio; and one at Ironton, Ohio; and one at or near Ashland, Ky., on the south side of the Ohio River: *Provided*, That the Secretary of War is hereby authorized and directed to obtain, if he can do so without cost to the United States, perpetual leases or conveyances of the riparian rights of the property-owners at each of said localities, in the event said ice-piers, or any one of them, shall be located where there is no improved landing place: *And provided further*, That at localities where there are improved landings he shall first obtain a relinquishment of wharfage rights and dues in favor of water-craft seeking protection from damage by ice; and no part of this appropriation shall be used for such purpose until the foregoing conditions are complied with. Also, out of said appropriation for the Ohio River, \$18,750 for removing obstruction at the mouth of Licking River; also \$11,250 for completing ice-harbor at Four-Mile Bar, near Cincinnati.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, \$37,500: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

For operating snag-boat on Upper Mississippi River \$22,500.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, \$382,500; of which sum \$6,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids; and of which sum the further amount of \$15,000, or so much thereof as may be necessary, may be used by the Secretary of War, in his discretion, for continuing the practical test of the flume invented by M. J. Adams, the said test to be made under the supervision and direction of said Adams; but if not so used the sum shall remain as a part of said appropriation, and be used for the purposes first in this paragraph specified.

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, \$26,250; of which sum \$15,000 are to be used for pier construction, in extending the outer wall of canal to the pivot-pier of the bridge.

For dry-dock at Des Moines Rapids, \$48,750.

Improving ice-harbor at Dubuque, Iowa, the unexpended balance, or so much thereof as shall be necessary, shall be applied to paving instead of riprapping said ice-harbor.

Improving Mississippi River from Des Moines Rapids to the mouth of the Illinois River, including the river at Quincy Bay and the removal of the bars at the mouth of Whipple Creek and Hamburg Bay, including also the strengthening of Sny Island levee where it crosses Snicarto slough and other sloughs: Continuing the improvement, \$150,000.

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, \$375,000; of which \$37,500, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down stream; and \$22,500 for continuing improvement at Cape Girardeau, Missouri, and Monona Point, Illinois: *Provided*, That the Secretary of War, in his discretion, may

use not to exceed \$75,000 of said sum of \$375,000 to correct the current of the river and improve the channel at Saint Louis.

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, \$1,687,500; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That the expenditure of so much of said appropriation as may be required to continue the improvement of Plum Point and Lake Providence reaches shall be confined to the complete repair and maintenance of the levees throughout said reaches to the height of 2 feet above the flood of 1882, and to the completion of the permeable works of contraction to such extent as may be required to bring the high-water banks of the river to the comparative uniformity of width contemplated in the first five paragraphs of the plan of improvement recommended by the Mississippi River Commission and adopted by Congress in 1880, and more fully set forth in the report of the Secretary of War for 1881, volume 1, part 3, page 2733: *And provided further*, That no works of bank protection or revetment shall be executed in said reaches or elsewhere until after it shall be found that the completion of the permeable contracting works and uniform width of the high-water channel will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving at Greenville reach, Delta Point, in front of the cities of Vicksburg, Memphis, Hickman, and Columbus: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works. Of the amount herein appropriated for the Lower Mississippi, \$75,000 are to be expended in continuing the work in progress at New Orleans; \$187,500 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; \$37,500 in improving navigation in the Greenville reach by preventing the bank at Greenville from further caving; and \$75,000 in deepening the channel at Vicksburg by dredging through the bar existing there; but this last-named sum shall not be expended unless after another examination or survey the commission shall deem it advisable; and if they shall not, then \$37,500 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works, and \$56,250 in completing the work on the river at Memphis; also \$18,750 for work on the river at Hickman, and \$18,750 for work on the river at Columbus, Ky.

For examinations and surveys at South Pass of the Mississippi River, pursuant to the act of March 3, 1875, \$7,500.

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, \$18,750.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of the 21st of February, 1871, \$3,750.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, \$56,250.

For gauging the waters in the Columbia River, \$750.

SEC. 2. That in places where harbor-lines have not been established, and where deposits of debris of mines or stamp-works can be made without injury to navigation, within lines to be established by the Secretary of War, said officer may, and is hereby, authorized to cause such lines to be established; and within such lines such deposits may be made, under regulations to be from time to time prescribed by him.

SEC. 3. The Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of the money herein appropriated, and shall cause to be made and submitted to Congress annual reports, together with maps and plans, including the report of the Mississippi River Commission, on or before December 1, giving detailed statements of the work done, contracts made, the expenditures thereunder or otherwise, and balances of money on hand up to November 1, and the effect of such work, together with such recommendations as he may deem proper. He shall, at the same time, report to Congress all cases in which piers, breakwaters, locks, and dams, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury. He shall report, at the same time, whether any bridges, causeways, or structures now erected or in process of erection do or will interfere with free and safe navigation.

SEC. 4. It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

SEC. 5. The Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, to be made, and the cost of improvements to be estimated, at the following localities, to wit:

In the States of—

Arkansas:

Re-examination of Little River.

The lakes connecting with Red River, between Shreveport, La., and Fulton, Ark.

Re-examination of Ouachita above Camden, Ark.

Saline River.

Cache River.

California:

San Pedro Bay near the entrance to Wilmington Harbor, with a view to establishing an outer harbor for the protection of deep-draught vessels.

Mouth of Smith's River.

Crescent City Harbor, with a view to a sea-wall from Battery Point to Flat Rock.

Connecticut:

Five-Mile River Harbor.

Resurvey of Duck Island Harbor, on Long Island Sound, including plans, specifications, and estimate of cost for making the same a harbor of refuge.

Dakota Territory:

James River.

Delaware:

Duck Creek.

Florida:

Punta Rassa Harbor.

Resurvey of Tampa Bay, including Hillsborough River up to the city of Tampa.

Resurvey of outer and inner bars at Pensacola.

Charlotte Harbor, including San Carlos Bay.

Clear Water Harbor, including Anciole and Saint Joseph's Bays and the Narrows into Boga Ciego Bay.

Wakulla River from its mouth to Wakulla Springs.

Survey of the channel from Haul-over, on Indian River, to Gilbert's Bar.

Saint Augustine, for a deep-sea channel on the outer Bar.

Georgia:

Savannah River from cross-tides above Savannah to the bar, with a view to obtaining 28 feet of water in the channel.

Flint River from Montezuma to Old Agency.

From Doboy Island to Doboy Bar.

Jekyll Creek.

Illinois:

Farm Creek, with a view to changing its course.

Kaskaskia River, from New Athens to mouth.

Bars in Hamburg Bay.

Calumet River, from the forks of the river near its entrance into Lake Calumet to Riverdale; also Calumet River from Riverdale to Blue Island.

Mississippi River at Rush Island Bend and Ivy Landing, with a view to confining and deepening the channel.

Indiana:

For a survey of the Ohio River near the city of Evansville, Ind., with a view to determine what, if anything, will be necessary, to prevent a change of the channel of the river in front of that city.

Kentucky:

Pond River.

The Secretary of War is directed to report to the next session of Congress whether or not the Government dry-dock at the Louisville and Portland Canal is adequate for the purposes of commerce, and what alterations, if any, are necessary, and the cost of making the same.

Licking River from Farmer's to West Liberty.

Salt River.

For ice-harbor at Paducah, Ky.

The bar at the mouth of Limestone Creek, in the harbor of Maysville.

Louisiana:

Little River.

Bayou Rouge.

Dugdemona River.

Mouth of Bayou Plaquemine, with a view to its connection with the Mississippi River by locks; also Bayou Plaquemine and other connecting streams, to form the best route to Grand Lake.

Bogue Falua from present landing to Covington.

The three bars at the mouth of the Calcasieu River and affecting its outlet to the Gulf.

Bayou Terrebonne from Houma to Thibodeaux.

Bayou Teche from Saint Martinsville to Fort Barre.

Mouth of Bayou La Fourche, with a view to the construction of a lock and dam; Clear Lake, Black Bayou, Red Bayou, Black Lake, and Kelley Bayou, to reopen navigable communication between those streams and Red River; and permanent improvement to secure navigation in Bayou La Fourche at low water.

Cornay River.

Ouachita River from Camden to mouth, with a slack-water navigation.

Bayou Vermilion, to secure navigation from Abbeville to the railroad bridge of the Louisiana and Texas Railroad.

Bayou Rondeway.

Cypress Bayou.

Bayou Vidal.

Maine:

Bayoduce River between the towns of Penobscot and Brooksville.

Big Rapids of Saint John's River.

Camden Harbor.

Rockport Harbor.

Kennebec River at Bath, and from Augusta to lower end of Perkins Island.

Saint George's River from Warren to Thomaston.

Matinicus Isle, with a view to a harbor of refuge.

Penobscot River from Bangor to Bucksport Narrows.

Saint Croix River from Ferry Point Bridge, at Calais, to Breakwater Ledge.

Bar Harbor, Maine, with a view of establishing a breakwater and deepening the waters of said harbor, and especially the channel between Rodick's Island and Mount Desert Island.

Maryland:

Cambridge Harbor.

Fairfax Creek.

Patuxent River from Benedict to Hill's Landing.

For widening the channel of Baltimore Harbor to 600 feet.

Massachusetts:

Manchester Harbor.

Duxbury Harbor.

Wellfleet Harbor.

Falmouth Harbor of Refuge.

Vineyard Haven Harbor.

Cottage City Harbor.

Menemsha Harbor of Refuge.

Taunton River.

Winthrop Harbor.

New Bedford Harbor.

Michigan:

Bar in Saint Clair River opposite Saint Clair City.

Grand River.

North River between Essex and North Bridges.

Biddle's Point at Mackinac Harbor, with a view to breakwater.

Harbor at Forestville, Lake Huron.

Pigeon River.

Mouth of Black River, Saint Clair County.

Carp River at Leland, with a view to affording an entrance to Carp Lake for harbor of refuge.

Lake Michigan at Empire, with a view to cutting a channel across the bar from Lake Michigan to Bar Lake.

Grand Traverse Bay, with a view to connecting it with Torch Lake, near Eastport.

Pineop River.

Rouge River at its junction with Detroit River, and up the river to bridge of Saint Louis and Wabash Railroad.

Torch Lake Channel, Lake Superior.

Minnesota:

Red River of the North from Moorhead to Fergus Falls.

Red Lake River from Grand Forks to Red Lake.

Mississippi River between Saint Paul and Saint Anthony's Falls.

Minnesota River, with a view to its improvement by locks and dams.

Mississippi:

Tombigbee River, to ascertain what improvement is necessary to make said river continuously navigable from Vienna, Ala., to Walker's Bridge, Miss.

Cassity Bayou.  
Noxubee River, to ascertain whether it can be made continuously navigable by a system of locks and dams, or otherwise.  
Bear Creek.  
Missouri:  
Resurvey of the Osage River from its mouth to Osceola, with a view to movable locks and dams, or other methods of improvement.  
Little River from Hornersville to its junction with the Saint Francis River.  
Saint Francis River from Greenville to the Arkansas State line.  
New Hampshire:  
Bellamy River.  
North Carolina:  
Alligator River.  
Lockwood's Folly River.  
Lumber River.  
Yadkin River from South Carolina line to the Narrows.  
Catawba River.  
New Jersey:  
Thoroughfares running back of the ocean from Cape May to the Great Bay north of Atlantic City.  
Channel back of Brigantine Beach, between Absecon and Brigantine Inlets.  
New York:  
Channel between Jamaica Bay and Rockaway Inlet.  
The East River, with a view to the removal of a ledge of rocks situated between five and six hundred feet from the foot of Tenth and Eleventh streets in the city of New York.  
Spring Creek.  
Waddington Harbor.  
Mouth of Patchogue River.  
Hudson River between New Baltimore and Coxsackie.  
Peter's Neck Bay.  
Tonawanda Harbor and Niagara River between Black Rock and Tonawanda, with a view to a 16-foot channel.  
Glen Cove Harbor.  
Oregon:  
Wood River.  
Link River.  
Suishaw River and Bar.  
Coquille River between Coquille City and Myrtle Point.  
Nehalem Bay and Bar.  
Tillamook Bay and Bar.  
Umpqua River.  
Ohio:  
Sandusky Harbor, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.  
Big Hockhocking River from its mouth to Coolville.  
Chagrin River at its mouth.  
Pennsylvania:  
Darby Creek.  
Rhode Island:  
Little Narragansett Bay, entrance to the wharves at Watch Hill.  
South Carolina:  
Mosquito Creek between the South Edisto and Ashepoo Rivers, with a view to connect the South Edisto with the Ashepoo at or near Fenwick's Island.  
Mingo Creek.  
Clark's Creek.  
Little Pee Dee River.  
Alligator River and other waters connecting Santee River and Bull's Bay.  
Tennessee:  
North Fork of the Forked Deer River below Dyersburg.  
Obelis River from the point where improvements have heretofore been made to the mouth of the West Fork.  
Texas:  
Cedar Bayou where it empties into Galveston Bay.  
Virginia:  
Mattox Creek.  
Nansemond River.  
Louisa Fork of Sandy River.  
Roanoke River from Clarkesville, Va., to Eaton Falls, N. C.  
Hunter's Creek.  
West Virginia:  
Meadow River.  
Gauley River.  
Coal River.  
Wisconsin:  
Harbor at Hudson, Lake Saint Croix.  
Examination and report on the causes of the extraordinary overflows of the Chippewa River, and what means, if any, can be adopted to prevent their recurrence.

SEC. 6. For examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, \$75,000: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

SEC. 7. That the Secretary of War shall report to Congress, at its next and each succeeding session thereof, the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors by means and as the result of appropriations made in this and succeeding river and harbor appropriation bills, the time so employed, the compensation paid, and the place at and work on which employed.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; that the House had receded from its disagreement to the amend-

ments of the Senate numbered 39, 40, 41, 89, and 90; that the House further insisted on its disagreement to the amendments of the Senate numbered 2, 17, 88, 179, and 180, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. CABELL, and Mr. CANNON the managers on the part of the House at the further conference.

Mr. ALLISON. I ask that the Chair may lay before the Senate the legislative, executive, and judicial appropriation bill, with the action of the House of Representatives.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives receding from its disagreement to certain amendments of the Senate, further insisting on its disagreement to certain other amendments of the Senate to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BECK. Will the Senator from Iowa tell us what these four amendments are that are disagreed to?

Mr. ALLISON. There are really but three topics of difference. The first is the one relating to Senator's clerks; the second, the amount appropriated for gaugers and storekeepers; and the third is the appropriation respecting statistics of divorce, the amendment found on page 93 of the bill. Those are the only three items. The other two amendments are merely formal. I move that the Senate still further insist on these amendments and agree to the further conference asked by the House.

Mr. INGALLS. I wish to make a suggestion here about the proceeding under these bills. That is, that I regard it as a mistake when the conferees have partially concluded their consultation upon a bill and have agreed to some amendments and disagreed to others, to accept a partial report and leave the matter open only as to the remaining amendments.

Now take this case. By successive reports the two committees have narrowed down the points of difference between the two Houses substantially to three, and one of them affects absolutely the Senate and nobody else. If we had all the amendments open, those affecting the House as well as the Senate and all other persons that are interested, we should have a great deal better lever to secure justice, so far as our own amendments are concerned, than we have now.

I think it is exceedingly bad policy when these reports are made to summarily consent and leave nothing but the disagreement upon a very few items which practically place the Senate at the disposal of the other branch of Congress. The Senator informs us that there is an item about the payment of clerks to Senators. If this process goes on, the next report will leave that the only item of disagreement, and then the House conferees will be at liberty to say, "Everything in this bill is agreed to, but we do not propose to agree to this, and you can either recede from it or let the bill go, as you please," and we shall be put in the attitude of asking for a further conference about a matter that affects this body alone, or else giving up the bill.

I regret very much, indeed, that the chairman of the committee sees fit to come in here on all these bills and report partial agreements, excluding those matters about which there is a practical difference, thus giving the House conferees a lever that I submit they ought not to be able to wield over this body.

Mr. ALLISON. I will say in response to the Senator from Kansas that the practice which he deprecates has been in existence for many years, and has been found, especially at short sessions, to be the only method of disposing of these bills.

Mr. INGALLS. This is not a short session.

Mr. ALLISON. Apparently not.

Mr. EDMUND. I hope it will turn out to be short.

Mr. ALLISON. Of course, the conference committee on the part of the Senate on this bill has merely carried out the usual practice. I think that the Senate will be able to take care of itself on these three remaining amendments; just how I do not know, but I undertake to say that the Senate, if it desires to adhere to the provision which relates exclusively to the convenience of conducting the business of the Senate, will so say to the House. Of course, a bill like this legislative appropriation bill is one of great detail, and it is quite agreeable to those having charge of it to close up a great many matters that are not serious in their character. This bill as it left the Senate had two hundred and thirty-nine amendments. The House agreed to eighty-six of them without the intervention of a conference, and the remaining amendments went into conference and the conferees agreed as to all but six or seven. We sent the disagreeing votes to the House, and they have receded from their disagreement on four of the amendments, leaving now only three subjects of difference.

Mr. EDMUND. I was not in when the chairman of the Committee on Appropriations opened this question. I should like to ask him to explain the position of the House of Representatives through its conferees on the subject of amendment 179, I believe it is, respecting the collection of statistics of marriage and divorce. It is a subject of great interest to very many people in the United States and I think a subject of much importance. I should like to know upon what grounds

the House of Representatives through its conferees insists upon disagreeing to that amendment.

Mr. ALLISON. I suppose I could state generally, without stating what occurred in the conference committee.

Mr. EDMUND. The Senator has a right, and it is his duty, as a conferee, to state what did occur in the conference committee. It is quite different from all other questions between the two Houses. It is exactly what the Senate and the House of Representatives both have a right to know.

Mr. VEST. Will the Senator state the nature of the amendment?

Mr. EDMUND. It is for the collection of statistics of marriage and divorce. It is an amendment put in by the Senate and about which the conferees differ. I understand the necessity of the case and the parliamentary law both to be that the conferees in reporting to their respective Houses have a right and it is their duty to explain the views and presentations of the other side of the difference in order that if they seem to be reasonable the body may recede.

Mr. ALLISON. I will state the claim of the House of Representatives on the question, which I suppose was represented by the House conferees.

Mr. EDMUND. Of course, it must be.

Mr. ALLISON. It was, in the first place, that we have a great number of statistical bureaus and that they have been multiplying somewhat of late; that the Senate, in addition to this specific amendment, added considerably to the general appropriation for the Bureau of Labor, &c.; and that if these statistics were valuable they could be ascertained under those appropriations. That was their first claim.

Their next claim was that this sum of money was entirely too great for the purpose indicated; and the next claim was that the House had specifically decided against this amendment in such a way as to preclude the conferees from assenting to it. Those were their claims.

Mr. EDMUND. Now I wish to say, in asking the Senate still further to insist upon this amendment, that the amendment does not increase the bureaus of any Department of the Government. The subject has engaged the attention of thinking people all over the country for some years, and Congress has been appealed to to pass a special law upon the subject. A bill of that kind has been introduced for one, or two, or three Congresses back, I do not know how long, but has never got action. It was again introduced at this session and sent to the Committee on the Judiciary.

We examined the subject, feeling exactly as the House of Representatives does through its conferees in respect of not desiring to increase establishments in the executive offices any further than should be absolutely necessary. We examined the law concerning the establishment of the Bureau of Labor, and we were all satisfied that the establishment of the Bureau of Labor by the statute, in terms almost, and clearly within the scope of its terms, authorized the Bureau of Labor, respecting the social condition of the people of the United States, to collect those statistics.

We therefore were of the opinion that any new act of Congress on the subject was quite unnecessary; that adequate power existed in the Bureau of Labor now, and it only required a sufficient sum of money to be devoted to that object to enable the Bureau of Labor under its existing powers to accomplish it.

Accordingly, instead of reporting the bill favorably, as we otherwise would have done, we reported this amendment in the regular way and sent it to the Committee on Appropriations to be put in the proper bill, which is this, and it was put in the bill.

The amendment increases the appropriation for the Bureau of Labor; and anybody who looks at the reports of the Commissioner of Labor, which are valuable, will see—

Mr. BUTLER. What is the amount, may I ask?

Mr. EDMUND. Only \$10,000, not half as much as the Commissioner says it ought to be if he is going back at all, which he can easily do, for information on the subject. He thought he ought to have \$25,000, but the committee thought it fit to put in \$10,000 and he would only have to go back as far as he could with that money to get started.

Then, as was explained in the Senate when the matter was up, the number of offices to which he must send in all the States and Territories of the Union which contain the records of marriages and of divorces is very great indeed. I stated a number the other day when the matter was before the Senate on the bill, and my friend from Texas [Mr. COKE] in speaking of the number of counties even where divorces might be had in the United States came over to me afterward and said to me that in respect of the number of counties I had not stated half enough for the whole United States. I made a general computation on my feet, a mere guess, as it might be called, and he said that Texas itself had not so many counties but offices where records of this kind are filed and kept, as large as the number that I had stated for the United States. I may overstate that, for I do not remember the details.

Now, when you take the whole number of the States, the whole number of the counties, and, as in New England, the whole number of the towns, as we call them, where marriage certificates are filed and recorded, the number of offices to which the Commissioner of Labor must send to obtain this information, it runs into the tens of thousands, I suppose.

Why the House of Representatives should say that this small sum should not be devoted to that object on the ground that the general ap-

propriation for the Commissioner of Labor, which has hitherto been devoted to entirely different and appropriate questions, I agree, having been greatly enlarged for the purpose of those other questions, there should not be placed at his disposal \$10,000 to commence this work, I am quite unable to understand.

If the House of Representatives had said, "We do not believe in this business at all; we do not care anything about the question of marriage and divorce in the United States in regard to the general interest and welfare of its people," that would be one thing; but if they said that, they then logically should say we should abolish the Bureau of Labor altogether, because labor is only one element in social progress and in social prosperity and in social happiness.

So, though I do not wish to take up the time, as I hope we shall adjourn some time this year, I do hope that the Senate will still insist upon this amendment, and that the Senate conferees will exert their diligence, consistent with proper respect to the House of Representatives, to bring them to the same mind.

Mr. ALLISON. I hope a vote will now be taken.

Mr. INGALLS. What does the Senator ask now?

Mr. ALLISON. I move that the Senate still further insist upon the points of difference and agree to the further conference asked for by the House.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate still further insist on its amendments not disposed of and agree to the further conference by the House of Representatives.

Mr. INGALLS. If there is any way in which the amendment which provides for the payment of clerks to Senators can be taken out of conference I should be glad to have it done; and I suppose that can be done by a motion to adhere.

The House of Representatives fix their own official staff. They select the number of their employés and determine the compensation that they shall receive. As I understand the chairman of the Committee on Appropriations, the Senate did not attempt in that matter to make one hair white or black; they took it exactly as it came from the House without making any amendment or suggestion whatever.

Mr. EDMUND. The Senate added several names.

Mr. INGALLS. But the Senator from Iowa tells me that I am correct.

Mr. EDMUND. The Senate did put in two or three names.

Mr. ALLISON. That perhaps ought to be stated. We agreed to the substance of everything of value with reference to the House of Representatives. On the request of two members of the Committee on Appropriations of the House of Representatives, being two of those who were on the subcommittee which prepared the bill, we inserted some names merely for their convenience, in order that they might be reached; and when our attention was called to it, of course we immediately receded from that.

Mr. INGALLS. I respectfully submit, without desiring to speak in derogation of any person or any body of men, that the attempt to interfere with the amendments that were agreed to in this body as to the official staff of the Senate under the circumstances is an unwarrantable and unjustifiable interference with the prerogatives of this body; and I am somewhat surprised that the chairman of the Committee on Appropriations was willing to permit every other amendment in the bill, two hundred and sixty-nine in number, to be acted upon, and leave that open as a question of debate between the conferees of the two Houses.

I believe it was the duty of the Senate conferees to have said to the conferees on the part of the House at the outset, on the threshold, "This is one of the matters that we do not propose to dispute with you about. It is a matter that concerns this body and its official force and the discharge of its own duties, in which we are independent under the Constitution of the United States." And yet the Senate conferees have agreed to 266 out of 269, if that is the number.

Mr. ALLISON. Two hundred and thirty-nine.

Mr. INGALLS. They have agreed to two hundred and thirty-nine amendments, and have left this one that affects the constitution and convenience of this body open still between the two Houses. Eighty-six were agreed upon, the Senator informs us, without debate. That is, wherever we put up salaries—

Mr. ALLISON. They were agreed to in the House.

Mr. INGALLS. I say the House promptly agreed to all the amendments made by the Senate where we had put up the salaries of Democratic officials, where we had increased the salary of the Commissioner of Patents and the Commissioner of Pensions, that physical and mental wreck who is drawing \$1,200 a year as a pension besides his salary. When we increased that salary from \$4,000 to \$5,000 there was no debate on that on the part of the conferees of the House of Representatives; that was promptly agreed to with the eighty-six others of a similar character.

So one by one the Senate conferees have agreed to eliminate from these two hundred and thirty-nine amendments everything about which there could be debate or discussion, and have left as the last one to confront us that involving the prerogatives and the rights of this body.

Mr. President, I am discontented with it, and I believe that every one who hears me feels the same way. It never ought to have been left

open for debate. It is an invasion of our prerogatives and our rights.

While I do not suppose that the Senator from Iowa has any design of abandoning this amendment, I should like to fortify him a little, I should like to re-enforce him, not that he needs it, but we have got down within two of agreeing to all the amendments except this, and I fear that before long we shall have another report saying that the conferees have agreed to every amendment except the one involving the pay of clerks of Senators in this body; and then we shall be told we can either recede from that or let the bill go. I believe I will move that the Senate adhere to that amendment now.

Mr. BUTLER. And ask for the yeas and nays on it?

Mr. INGALLS. I move that the Senate adhere upon the item affecting the payment of clerks of those Senators who are not chairmen of committees.

Mr. DAWES. The Senator from Kansas belongs to that class of legislators and persons in the world we have seen a great many of, who are unwilling to take up with satisfaction. He has arraigned the conferees because they have agreed with the committee of conference on the other side upon matters which the other side have offered to agree with them upon. They have come to our terms upon every other matter but these three, and the Senator is not willing to take up with satisfaction on these.

With some little experience in matters of conference committees, going over several years, I find it the best way in those committees, just as fast as the committees agree upon items, to close them up. They are diminished in number the most rapidly in that way. When we come to concentrate our differences upon points, we can understand what is our duty in respect to each one of them better than when two hundred or more of them are afloat.

We have now closed up this bill upon more matters of difference between the two Houses than any other legislative bill that I ever had anything to do with, and more rapidly and more satisfactorily; and we have reduced, in less time by this conference than in any other conference that ever I was on upon a legislative bill, to three out of 135 of the differences. We can stand just as firmly upon those three as we could if 130 of them were afloat—differences of great importance, differences that would be vital, differences that would affect or cripple the executive branches of the Government.

It was the duty of the conference committee to agree as far as they could; and this goes back to another committee with the same condition of things that it went into the first committee.

Until a committee of conference shall show symptoms of giving up that which belongs to us it will be unnecessary for the Senate to take any extreme measure with any one of these points. I submit to the Senator from Kansas that the ordinary method of settling these things is the best, and the least friction between the two Houses upon matters about which there is no necessity for friction is the best way to come to an agreement.

I have no more idea that to save this bill we shall be obliged to give up either of those three items of difference than I have that we should have been unable to agree upon any of them. Suppose we should have started out in the committee of conference, each one of us, by planting ourselves upon two or three items on the one side or the other of difference, and announced to the conferees of the other branch, "You need not confer on these; these are not to be conferred upon, unless you take these as we have decided them." Announce that in the beginning and you come to an end of a conference.

Let this conference be pursued as all others are until there shall be an indication of the difference. The Senate need not be afraid to trust this or any committee of conference that shall be appointed by the Chair in the ordinary way.

Mr. BUTLER. Can the Senator from Massachusetts or the Senator from Iowa give any explanation of the fact that at every session of Congress we are confronted with this issue between the House of Representatives and the Senate upon this matter relating entirely and exclusively to ourselves? Now, I am like the Senator from Kansas—

Mr. DAWES. I can tell the Senator what I suppose is the reason.

Mr. BUTLER. I am getting a little impatient under this constant disposition on the part of the other branch of Congress to interfere with what, as the Senator from Kansas says, is our especial and peculiar prerogative, with which I submit they have nothing to do.

Mr. DAWES. I am not defending the position of the House. The position of the House in reference to it strikes me just as it does the Senator from South Carolina and the Senator from Kansas. I am only discussing the best method to deal with that difference. I have no idea but what they expect to yield, but they expect to go through with this form to maintain what they call a consistency upon certain points. It is all understood how far they are to go. But for us to throw an obstacle in the way by putting it where the bill must fail in the outset only puts further off an agreement. There is no doubt about the result if we go on in the ordinary way.

Mr. ALLISON. I do not wish to occupy any more time. I can assure the Senator from Kansas and the Senator from South Carolina that at least the conferees who have considered the bill thus far have endeavored to represent truly what they believed to be the unanimous

judgment of the Senate upon this question; and I have no doubt any future conferees appointed by the Chair will do the same thing.

We have over and over again presented to the House of Representatives that it is the business of the Senate to choose its own officers, and that they have no right to interfere with our prerogative (if that is a proper word to use in that connection) any more than we have a right to say who their officers shall be or what the number of them shall be. Of course, the question of compensation can fairly be a matter of consideration between the two Houses.

I hope the Senator from Kansas will not now insist upon his motion to adhere to this amendment. I think we can get on with it better perhaps by having one further conference upon this subject.

Mr. CHACE. I should like to ask the Senator from Iowa a question. I ask him if the House of Representatives may take from us certain of our employés, our servants, may they not upon the same principle take from us others, and may they not then go on until they may take the whole, and thus cripple entirely the functions of this body?

Mr. ALLISON. I see no reason why they can not say, if they interfere at all, that we shall have only one secretary at that desk instead of four or three, or that we shall have only five messengers instead of one at each door of the Senate. I quite agree with the Senator.

Mr. CHACE. That is the way it strikes me, and it seems to me it becomes a question, as a matter of precedent, of very great importance. The House of Representatives may arrogate to itself to absolutely destroy the functions of this body by crippling our ability to conduct our business.

Mr. BECK. I have heard this question discussed time and again in conference, and I think the whole matter is so very safe in the hands of the chairman, the Senator from Iowa, that we had better trust to him to manage it his own way without telling him anything. I hope the Senator from Kansas will not press his motion to adhere.

Mr. INGALLS. Upon the assurance that the Senator from Iowa and his conferees will adhere to this amendment and consider themselves, as I understand them to say they are, instructed by the Senate to stand by it and never relinquish it, I will withdraw my motion to adhere.

Mr. SAULSBURY. It seems to me that there is one view of this question which has not been presented. I do not understand that the House undertake to dictate who shall be the employés of the Senate; they only exercise their constitutional right to say whether they will vote an appropriation for certain objects. I believe that the courtesy due the Senate requires that we shall insist, but I do not think they are justly censurable to the animadversions which have been made here, because in the exercise of their discretion they assume to say that there shall not be devoted an appropriation for this purpose. They do not undertake to say that every Senator shall not have a clerk; they only say that in this bill they will not appropriate money for that purpose. The criticisms here upon the House I think are unjust.

I hope the Senate conferees will insist upon the amendment, and I hope the House will yield; but I do not believe that these animadversions are exactly right.

The PRESIDING OFFICER. The question is on the motion that the Senate further insist and agree to the request of the House for a further conference.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

#### RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the question being on the amendment proposed by Mr. McMILLAN, from the Committee on Commerce, as a substitute.

Mr. LOGAN. It was understood by the chairman of the committee that I was to be permitted to offer amendments to the amendment after it had been read, and I desire to offer them now.

In line 353 I move to increase the appropriation for the improvement of Calumet Harbor, Illinois, from \$7,500 to \$10,000. It was reduced to \$7,500, when the estimates are \$100,000; and I think such a reduction is a little too much, compared with the reductions made in other cases. I do not wish to discuss the question. I merely wish a vote on it.

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

The CHIEF CLERK. In line 354, before the word "dollars," it is proposed to strike out the words "seven thousand five hundred" and to insert "ten thousand;" so as to read:

Improving harbor at Calumet, Ill.: Continuing improvement, \$10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois to the amendment.

The amendment to the amendment was rejected.

Mr. KENNA. I move to insert at the end of the first section what I send to the Secretary's desk.

Mr. LOGAN. Will the Senator allow me to offer another amendment to the next paragraph?

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. KENNA. Oh, yes; I have no disposition to crowd out the Senator from Illinois.

Mr. LOGAN. No, it is not crowding me at all; but the amendment I propose comes right in the next line. Lines 355 and 356 read:

Improving harbor at Chicago, Ill.: Continuing improvement, \$75,000.

I offer an amendment to increase the amount to \$150,000. I desire to call the attention of the chairman of the committee to the estimates and the appropriations which have been made in reference to other improvements. There is appropriated for improving the harbor at Mobile, on line 274, continuing improvements, \$90,000; and there is appropriated for the improvement of the Chicago Harbor \$75,000.

The estimate for the Chicago Harbor is \$284,000. Out of the \$284,000 of the estimate, \$75,000 are given; of the estimate for the Mobile Harbor about one-half is given; also for the improvement at Muscle Shoals the chairman will find that the estimate is \$400,000, and the committee appropriates \$262,500.

All that I ask is that a great work like this in Chicago, which has been in progress for a great many years, a great improvement as it is, and a great harbor, and as necessary as that is, as every one knows who is acquainted with the commerce on the lakes, shall have at least enough to be able to do something. The \$75,000 proposed to be appropriated will not dredge the sand in the channel that has to be dredged every year.

Not only that, but the engineers' estimate is \$284,000 for its completion, and they say that \$225,000 can be expended during this fiscal year, and they show the necessity for it. The amount has been reduced from \$284,000, or \$225,000 necessary for this year, down to \$100,000, and then 25 per cent. off leaves it at \$75,000. That does strike me as not being exactly what ought to be done in reference to a harbor of that character where the commerce is so great as it is at Chicago, where so many vessel come in and go out, and where great necessity exists for a harbor not only for the benefit of commerce but a harbor for the safety of vessels.

As is well known, Lake Michigan is one of the most treacherous lakes in the whole United States of America. There are more vessels lost on it than on any other lake; and this harbor is a great protection. It has protected hundreds and thousands and probably millions of dollars' worth of property since it has been put in such a shape that vessels could come in within the reach that is timbered out so as to protect them.

I do not wish to criticise the committee, nor do I criticise it at all; but in comparing this harbor with others which have larger appropriations for them, others which really are not as necessary as this one, others which do not require as much work or as great an expenditure, it does seem to me that it is not exactly the thing.

Mr. McMILLAN. This item was not changed by the Senate committee, and remained as it came from the House, except the reduction embraced in the amendment which I have submitted. The amount which the engineer said could be profitably expended during the year is \$225,000. The appropriation as it came to us from the House is substantially 50 per cent. of that estimate; \$112,500 would have been just 50 per cent. of the estimate. The appropriation for the harbor at Mobile was just 50 per cent. of the estimate also, and the Senate itself increased the appropriation for Muscle Shoals after the committee brought the bill into the Senate.

I should be glad to have larger appropriations for these great improvements if it could be done. I should be very glad to have the whole amount appropriated which the engineer says could be profitably expended during the year; but the harbor is not going to suffer with an appropriation of this amount for this year. None of these harbors are going to suffer. The engineers can use this money profitably, and the harbor will be ready for all the commerce that is established at that port.

I hope the Senator will be satisfied with the bill now as it stands and let the item remain. If this is to be increased the same reasoning would apply to all the others, and the amendment offered by me would not be sustained.

Mr. MILLER. I desire to say a single word, and that is that this item as it now stands at \$75,000 is just 33½ per cent. of the amount asked for by the engineers, and that is more by far than the average we have given throughout the entire bill. Originally we gave nearly one-half; now it has been cut down by the amendment, and still this remains at just one-third, or 33½ per cent. I do hope that no changes whatever will be made in these sums or in these proportions at present.

Mr. LOGAN. I do not wish to enter into any discussion with Senators on the committee; I know it is perfectly useless; but at the same time the assertion of the Senator from New York I do not think would be borne out if he were to examine the bill very critically. I do not wish to call the attention of the Senate to them, but I could pick out quite a number of rivers and harbors where the reduction has not affected them as it has affected the appropriations for certain matters in the State of Illinois.

To illustrate: For the Illinois River some gentleman said I secured an

increase of \$50,000. That is true. The estimate was \$350,000, and the statement of the engineer was that it was absolutely necessary to have the full appropriation for the reason that they were completing two locks and dams in that river. That appropriation is now cut down to \$100,000. I had it raised to \$150,000, and now it is put at \$112,000. When you take that and compare it with other appropriations which I do not care to mention, not in that immediate section of the country, there is a very great and material difference so far as coming up to the estimates is concerned.

Perhaps I have no right to complain more than other people, and I do not wish to speak here by way of complaining, but merely to call attention to the fact that Chicago for a small village has not received exactly what it ought to have received, and what it is entitled to from the hands of the committee or from the hands of the House, if I may speak of the House; and why I do not know; I can not tell. There has not been a river and harbor bill brought into the Senate for years that the very same thing has not occurred in reference to the Chicago Harbor.

Mr. EDMUND. Mr. President, I just want to say on this question of proportions that you may take Lake Champlain, on one side of which I live and on the other side is the great State of New York; you may take the appropriation for the breakwater at the harbor of Burlington, Vt., where the revenue collected is just about one-quarter of that collected at Chicago. There was in the bill as it came from the committee \$25,000 to continue the work on that breakwater. That being reduced by 25 per cent. makes \$18,750.

If you take the report of the engineer as to what can be profitably expended—I do not remember its detail, but knowing the place perfectly well—you might appropriate all the money that is necessary to complete that breakwater, to make it long enough to protect that growing town and increasing commerce, in any one year, because it is the mere question of applying your force to extending a breakwater. If you appropriated \$200,000 it is only the question of putting down more cribs and more stone to extend the breakwater. As I say, I do not remember what the engineers said could be profitably expended, but I happen to know myself, as it is a mere question of cribs and stone, and with plenty of room, and plenty of timber, and plenty of stone, you can apply all the money at once.

But this appropriation for that particular part of Lake Champlain is cut down, and on the same principle, and it illustrates Chicago almost perfectly, for the reason that the revenues collected in that collection district are just about a quarter. As I remember, the revenues of Chicago are about \$4,000,000, and they are about \$1,000,000 in the district of Vermont. It makes a very fair comparison.

I appeal to the Senator from Illinois, the bill containing for public works and things in the State of Illinois, and going to the benefit of Chicago and the commerce there as it is claimed by the Hennepin Canal and the other canal and the Illinois River, that if we are to go on and put everything in Illinois up, as the Illinois River has been put up to above what the House had it, notwithstanding this ratable reduction, then we must go to every other locality in the country in order to make an equal average.

Mr. LOGAN. I said I was not going to discuss the proposition, and that I only asked for a vote; but to show how perfectly fair the Senator from Vermont, the assistant chairman of this committee, is about matters I will read what the estimate is in reference to Burlington, Vt.

Mr. EDMUND. On what page?

Mr. LOGAN. Page 356. The engineer says that there can be profitably expended in the fiscal year ending June 30, 1887, \$50,000.

Mr. EDMUND. That would make two cribs.

Mr. LOGAN. The gentleman has had 50 per cent. allowed of the amount estimated for by going to that committee perhaps. With an estimate for Chicago of \$284,000 we have \$75,000. The Senator has very nearly 50 per cent. left in the bill to-day for Burlington, Vt.

Mr. McMILLAN. It is reduced 25 per cent.

Mr. LOGAN. I know it is reduced 25 per cent., and the reduction is exactly what I complain of in this bill, that the reduction is not fair to different parts of the country which deserve according to the estimates more money than is appropriated in the bill. Fifty thousand dollars is the estimate for Burlington and \$284,000 for Chicago, and \$18,000 is allowed to Burlington while \$75,000 of the \$284,000 is allowed to Chicago. That is the difference; and that is exactly what I complain of.

Mr. McMILLAN. The appropriation for Chicago was substantially 50 per cent., within \$12,000 of 50 per cent. of the estimate of the engineer.

Mr. LOGAN. I beg the Senator's pardon.

Mr. McMILLAN. If the Senator will look at the estimate for the amount that can be profitably expended this year—

Mr. EDMUND. It is \$225,000.

Mr. LOGAN. Yours was \$50,000 and you get \$18,000, while we get \$75,000, and the Senator complains because Burlington has not been as fairly dealt with as Chicago. I know Burlington, Vt., is a very nice town. I have been there. I know it has very nice people and it is much larger than Chicago; it has much more business, and is more important and the people are more important, and men who understand

these things represent them much better than Illinois is represented perhaps! They understand how to get things into bills, and then they understand very well how to get bills reduced after they have got all they want themselves, and how to drive committees to do these things. Against that I have naught to say except that my friend the Senator from Vermont on every occasion when I have said anything about Illinois seemed to have some kind of spite against the State. I do not know why; I can not tell; but no other propositions have been fought by the Senator from Vermont as the propositions coming from Illinois have been. There has not been one that he has not objected to, not one that he has not criticised, not one that he has not fought.

Mr. EDMUND. Mr. President, I must take the time of the Senate to have this little difference among friends out, and I will begin at the end of my friend's observations. He says there is not a thing for Illinois that the Senator from Vermont has not fought.

Mr. LOGAN. Oh, no. I said not one of the propositions here, and I will state them. He fought the increase for the Illinois River; he fought the Hennepin Canal; he fights the increase for Chicago; he objected to the increase for Calumet Harbor; and that is every one that has been mentioned on this floor by the Senator from Illinois.

Mr. EDMUND. I then only fought the things that were mentioned and let those that were not mentioned go. The presumption is then that those which were not mentioned had some merit, and that those which had not merit enough to go alone and had to be carried on the broad and strong shoulders of my friend from Illinois, with a chip on each shoulder, would naturally attract the attention of somebody and he would make some inquiry about them. That is where we come.

Now when we come back to a comparison of Chicago with Burlington, I am bound to agree with my friend. Burlington is a town of more importance than Chicago, because my friend has said so. I never knew it before, but I know that he is a man who always states everything with absolute deliberation. I will mention one little circumstance as a comparison between the two towns. We do have social order and the execution of the law at Burlington, Vt. They do not always have it—not because my friend would not have it—in Chicago. And I will mention another thing, which is entirely apart from any personal badinage between my friend and myself. There has been put into this bill—against my vote and opinion, it is true, but put in, and I submit to it—a proposition which involves millions for the benefit of the commerce of Chicago and of Lake Michigan, as the friends of it claim. So the amount of public money to be expended in that quarter of the United States—and I do not care anything about State lines in these matters—is something enormous compared to any other part of the United States, with three or four exceptions which I will not waste the time of the Senate to state.

Now, therefore, if the Senator from Illinois, after this reduction of 25 per cent., having got the Illinois River—which this great canal is to give the go-by to entirely—put up, after this reduction, by a considerable sum above the House bill, proposes to go on rating up everything that happens to exist in the State of Illinois, I do not think it is right to the other parts of the country—not speaking for Vermont, because the interest of Vermont is not at all different from the interest of the rest of the people of the United States anywhere in these matters—but if we are to put this up, then let us go back and put up everything else and reject this whole amendment altogether.

Mr. LOGAN. I am very sorry that the Senator has come to the conclusion that I have a chip on each shoulder at different times. He certainly has not. He never carries chips on his shoulders, and if he did he would not find anybody who would want to knock them off. I certainly should not.

But I find there is a peculiarity always in the sincerity and justice of the Senator from Vermont. I do not know anything about Gordon's Landing, on Lake Champlain, in Vermont. I do not know what it is. I can not find it in the estimates. Probably it is there; I suppose the Senator can find it.

I notice an item of \$25,000 for extending a pier at Gordon's Landing, in Vermont. That is reduced to \$18,750. I notice in all matters in connection with Vermont that it has not been hurt very much, nor do I wish to hurt it. If the Senator wanted more I think he ought to have it if there was a necessity for it; but when persons are amply supplied with everything they desire themselves, when they get all they want themselves and then attack everything that belongs to other States, it is not the generous mode of proceeding that I think ought to be pursued by mankind generally outside or inside of the Senate.

Mr. EDMUND. I agree with you entirely.

Mr. LOGAN. And when the Senator says that Burlington is important I agree with him; but when he leaves the path of argument, when he deviates from the logic of the case as presented, and when he goes outside that case and casts a slur at the city of Chicago because they have had confusion there on account of strikes and anarchists, he goes further I think than that courtesy which belongs from one Senator to another should warrant him in going.

I will say to the Senator that the people of Chicago are just as good citizens as he is, and just as law-abiding as he is, and certainly they are not so pestiferous at home as he is in this body. [Laughter.] I will say that for them. Of course we have had our troubles there oc-

casionally. In a population of nearly 700,000 we have some bad men. I am very sorry that we have them. There are other places, however, where there are bad men, not in Vermont, of course, but other places in the country where a less generous and kind people reside, less intelligent and less patriotic than those who reside in the State of and are the constituents of the Senator from Vermont.

Why, sir, I might say more and say it truthfully, but I will not, for I do not desire to cast slurs upon the constituents of anybody. It is a thing that I do not do. I do not engage in that kind of argument. No matter how futile my arguments may be, no one has found me casting slurs on the constituents of any other Senator for the benefit of a little proposition that might arise in a bill, and no great man ever did it.

Mr. EDMUND. I admit the force of that proposition, and we have found one great man in the Senate that does not do it. So we can drop that part of the subject.

Now, I wish to tell my distinguished friend from Illinois, for whom I always have had the greatest admiration, which increases from day to day, that he is mistaken in saying that anybody in the State of Vermont has got all the appropriations that that State ought to have.

Mr. LOGAN. I did not say that.

Mr. EDMUND. There are two places on the east side of Lake Champlain, to both of which go railway lines, that have their harbors and their commerce, for which no appropriation is made in this bill at all. Former appropriations have been made, and they ought to be made now, but I did not want to load this bill up, and I thought those places might wait for another year before I should even say a word to the committee about them. So the Senator is unjust, or rather I should say incorrect—he does not mean to be unjust—in saying that Vermont has got all she wants in the sense in which he speaks of that.

Mr. LOGAN. I did not say that.

Mr. EDMUND. The RECORD will show what the Senator said, and I will not enter into a dispute with him on this bill as to what he did say. The RECORD will show. So I think we may drop that out of the thing and go to the merits of this proposition.

I must repeat, that if in respect of the harbor of Chicago it is to be thrown out of relation with the harbor of New York, and the mouth of the Mississippi River, and Norfolk, and Baltimore, and Boston, and all these other great harbors, then we might just as well begin at the beginning and put everything up to its original status and go as much further as we can get anybody to go. That is just the short of it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Illinois [Mr. LOGAN] to the amendment of the Senator from Minnesota [Mr. McMILLAN].

The amendment to the amendment was rejected.

Mr. VEST. On page 53, line 1296, after the words "Nebraska City," I move to strike out "three hundred and seventy-five thousand" and insert "five hundred thousand;" and I give notice that I shall move to put back the sums appropriated in the bill reported from the Commerce Committee and the bill as it came from the House that were given to the Missouri, Ohio, and Mississippi Rivers.

I have understood throughout the whole of this discussion that all Senators from all sections of the Union agreed as to the national character of these rivers, the Mississippi and its great tributaries, the Ohio and the Missouri. The appropriation for the Missouri River was one-half the amount that was estimated for by the engineer. It came from the House at \$500,000 from the mouth of the river to Sioux City, a distance of over fifteen hundred miles, and in which the States of Missouri, Kansas, Nebraska, Iowa, and Minnesota are all interested. I now move that this appropriation of \$500,000 be put back in the bill, and upon that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 1296, after the words "Nebraska City," it is moved to strike out "three hundred and seventy-five" and insert "five hundred;" so as to read:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary repairs of works at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Plattsburgh, Brownsville, and Nebraska City, \$500,000; to be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

The yeas and nays were ordered.

Mr. McMILLAN. I think if this amendment is adopted it will lead to the entire rejection of the amendment of the committee, because other improvements in this bill will ask for the same increase. The amount appropriated to the Missouri River is \$610,000.

Mr. VEST. You mean the whole river.

Mr. McMILLAN. The whole river.

Mr. VEST. This only applies to part of it.

Mr. McMILLAN. From the mouth of the Missouri to Sioux City the bill as it came from the House appropriated \$500,000, and we reported it to the Senate without a change, except inserting certain points at which expenditures of the money might be made. The appropriation contained in this amendment will be 33 per cent. of the estimate of what can be expended this year.

While we all know that the Missouri River is a very important stream and contributes largely to the interests of commerce in the country, yet the interest of the stream will not suffer with the appro-

priation of the sum embraced in the bill. It will be expended at particular points in the river until the repairs and constructions of certain portions of the river are all completed. When that is done then the general plan of the improvement of the river will be entered upon.

I appeal to the Senator from Missouri to permit this amendment to pass as it has been offered by the committee in order to have this amount of expenditure, which is one-third of the estimate for this year, and the engineer has the discretion under this item of appropriation to spend this money at such places as in his discretion he deems best for the interests of the river. He is not limited in his expenditures to either of the points named here, nor to all of them; but he has as unlimited discretion so far as the expenditure of the money is concerned.

I hope the Senator will not insist upon his amendment, in the interest of the welfare of the Missouri River and of the whole bill.

Mr. VEST. Now, Mr. President, I want to say a very plain word about this amendment, because this is a practical illustration of how the thing operates.

I have never—I do not leave it to my assertion, I leave it to my colleagues in the Commerce Committee and my colleagues in the Senate—I have never asked or demanded, directly or indirectly, anything but what is fair and just in regard to the distribution of the money appropriated by this bill.

Mr. KENNA. That is true as to others also.

Mr. VEST. I admit it as to others, but I put this as a preliminary observation to what I shall say now. I am talking about facts, not methods.

This bill came from the House with an appropriation of \$500,000 for the Missouri River. As a member of the Committee on Commerce I did not ask for an increase, though I might have secured it. Other members of the committee did ask increases and did increase this bill to the amount of \$3,400,000—not all of it in their States, but much the larger portion of it. Under this reduction of 25 per cent., what is the result? Take certain States—and I do not mention them invidiously—take the State of New York with an increase of \$900,000 in round numbers in the Senate bill. Take off 25 per cent. and the State of New York is still ahead of the amount appropriated by the House of Representatives.

Mr. MILLER. The Senator will permit me to say that the amount asked for the improvement of New York Harbor by the engineers was two and a half millions.

Mr. VEST. I am not talking about the engineers' estimates.

Mr. MILLER. The House gave \$150,000 and we made it a million.

Mr. VEST. I am not talking about estimates. The estimate for the Mississippi River was \$7,000,000 outside of local improvements. Nearly \$10,000,000 was asked by the commission in all. The House gave the Lower Mississippi \$2,100,000, and now, under the operations of this reduction bill, the Mississippi River, with 25 per cent. off, gets \$1,275,000.

But I ask the Senator from New York this distinct question: How much did his State get under the House bill as it came to the Senate, and how much does it get now under the 25 per cent. reduction? Does he lose anything in his appropriations?

Mr. MILLER. The Senator knows how much New York got under the increase. I have stated it here repeatedly. It was between \$900,000 and a million dollars, but it happened that bill as it came to this body had given to some large improvements their fair share and their just share, so much so that the Senators representing that portion of the country did not feel at liberty to ask for a dollar of increase; but when the engineers asked for two and a half million dollars to be expended in one year upon an improvement in New York and the bill contained \$150,000, everybody admitted the justice of making it somewhere near right by giving a million dollars, which was still less than 50 per cent. of the estimate.

Mr. VEST. No friend of the Mississippi River ever said anything else except that that appropriation was too small in the House bill; and all that prevented me from having the appropriation increased—I have said it over and over again—was the fact that I did not want to endanger the whole bill and run the risk of losing the amount that was put in by the House. In other words I would rather have \$2,150,000 for the Mississippi River than have nothing, not that I have admitted for a single minute that that appropriation was sufficient. But the Senator does not answer my question. I say this reduction is inequitable and unjust. It leaves his State with just as much as the bill gave it as it came from the House while it cuts off from the Mississippi River \$800,000 and from the Missouri and Ohio \$125,000 each.

Mr. MILLER. Will the Senator from Missouri answer this question? Does he believe that if the Senate Committee on Commerce had made up this bill originally, with the Senator from Missouri as a member of that committee, that committee could have been induced, or even that he would have asked it, to give a dollar more either to the Missouri or to the Mississippi River than the bill contained as it came to this body from the House and as it came out of that committee to the Senate?

Mr. VEST. Well, Mr. President, the Senator has a very poor opinion of my influence and industry on that committee if he thinks I could

not have increased it, and if as an original proposition I had not made it twice or three times as great as the amount mentioned in the House bill.

Mr. KENNA. I should be glad if the Senator from Missouri would allow me to make a suggestion at this point?

Mr. VEST. Certainly.

Mr. KENNA. The Senator speaks of the House bill and the equities of the present proposition as based upon the bill as sent to us from the House. What have we to do with the House bill? It is true that these appropriations originated there, and they have been amended here, but I want to remind the Senator from Missouri of two facts of which he seems to be absolutely oblivious. The first is, that this bill came to the Senate as revised and adjusted by the Commerce Committee of the Senate; and the second is, that this proposition to reduce 25 per cent. all along the line has been made after the Senate has adjusted this bill in every detail and in reference to every item, so that the Senator stands in regard to the Mississippi and the Missouri Rivers' improvement precisely where every one of us stands in regard to improvements in his locality.

I am free to admit that if I could not go beyond the confines of my State I would be perfectly unwilling here to reduce the appropriation for the Great Kanawha River, but I hope to be able in dealing with this subject to reach all the appropriations and every commercial interest involved.

Mr. VEST. Yes, Mr. President, I know that the Senator has "no pent-up Utica." West Virginia has never done anything on the river and harbor bill! It has been utterly neglected in the interest of other sections of this country!

Mr. KENNA. Whether that is true or not—

Mr. VEST. The Senator seems to be utterly oblivious of the fact that the Mississippi River does not belong to the State I represent here at all; it belongs to the whole country, and there are States that have larger territory on its borders than my State can possibly have. It might as well be charged to the State of Louisiana or Arkansas or Tennessee or Kentucky, all of which border upon that great stream.

The Senator says we have nothing to do with the House bill. I say we have.

The simple question now before the Senate is whether those of us who did not increase our appropriations in the Commerce Committee are now to suffer because this bill was loaded down by other Senators until it came to the Senate in such a condition that we are compelled to apply a horizontal reduction to it. That is the whole question, and of that I complain. If I had ever supposed that this bill would have been loaded down to the extent it has until this Procrustean rule would have been applied to it by a reduction of 25 per cent., I would have seen that the Mississippi and Missouri Rivers should both have had an increase, so that they could have stood a reduction like other improvements in the country. These other States that have got increases from the Commerce Committee get just as much as they would have got if we had adopted the House bill without a single amendment.

Mr. PLUMB. I have a table here which will show that the Senator rather understates than overstates it. New York gets \$1,372,000 by the bill as reduced and only \$875,000 by the bill as it came from the House; North Carolina \$274,000 by the bill as reduced, while it only got \$266,000 by the bill as it came from the House; Michigan gets \$901,000 by the bill as reduced, while it got \$918,000 by the bill as it came from the House; and Maryland gets \$300,000 by the reduced bill in place of \$232,500 as the bill came from the House.

Mr. MAXEY. I should like to remind the Senator from Missouri that this is an appropriation for the Mississippi River which not only affects the States on the banks of that river and all its tributaries, but there are living on the Mississippi River and tributaries over fifteen million people who are interested in the appropriations for it. I am heartily in accord with the Senator from Missouri in regard to that river.

Mr. VEST. No one can overstate the importance of the navigation of that river to the Western country and to the whole Union.

But recurring to the salient point in this whole matter, if the appropriations for these great rivers can be increased so that this 25 per cent. reduction will affect them as it does the other appropriations in this bill, I am willing to take my share of the reduction. As to the little improvements inside of my State, I am willing they should be cut down; but I do think it is unjust and unequal and inequitable in every sense of the word that those of us upon that committee who, in the interests of the whole bill and all the improvements in this country, did not increase our appropriations should now suffer this iron rule that they propose to apply to every appropriation in this measure.

Mr. KENNA. I only want to say one word in response to the Senator from Missouri, and I desire to say that as concisely as I can.

I utterly repudiate the suggestion that seems to bear on his mind that this is a distribution of money by States. I believe I am speaking for the Commerce Committee as a whole when I say that the question of making a distribution of the amount appropriated for the improvement of the rivers and harbors of this country by States never entered into the mind of any member of that committee.

We are confronted here daily from one source and from another by

the suggestion that this State has so much in this bill, and that State has much in this bill, and some other State has so much in this bill. Sir, I deny that the lines of States have anything to do with this bill, either from a constitutional standpoint or from the standpoint of distribution made by this committee. Our great water courses constitute a system, and our committee has endeavored to treat it so. The question of granting money or refusing to do it is one that is to turn on the general advantages to the country to be derived from this improvement proposed, not on the question whether accidentally a State line crosses a stream at one point or another.

Mr. RIDDLEBERGER. Mr. President—

Mr. KENNA. I prefer not to yield.

Now, Mr. President, I do not assert here that West Virginia has too much or too little in this bill. I am willing to say to the Senate that if there were one dollar in the bill which had been appropriated by virtue of the fact that by a system of distribution West Virginia should be entitled to so much, I should misrepresent my constituency if I did not stand here ready to relinquish it.

It is true, as the Senator from Missouri says, that the Mississippi does not belong to any State; and yet this seems to be marvelously true in the same line that geography and proximity exercise powerful influences with reference to certain persons. From the beginning of the Forty-fifth Congress to this day, I believe I speak with profound truth when I say that the Mississippi River has had no better friend than I have been.

Without referring to another branch of Congress, I am within the limits of truth as I do know it when I say that I gave the casting vote for the proposition which appropriated the first million dollars that ever went to that improvement; and I am as ready, as willing, and as earnest as any man can be to advance the great interests of the navigation of that river and its tributaries and the general system which it involves.

I am perfectly frank, however, when I state to the Senator from Missouri if he could eliminate the Mississippi River and add to it the Ohio and the Missouri, and say to him as he would possibly say to other members of Congress, "Improve this stream and no other, abandon your great harbors, abandon your other navigable waters," I should be one of the first to stay the hand of the Government and advance those great interests to the abandonment and prejudice of other water routes of this country.

There is a stream that develops mines and tends to the usefulness of commerce and the interchange of commodities beneficial to civilization, running by a hundred square miles of the finest coal fields on this earth in my State; and notwithstanding the fact that you can not run a 2,000-ton steamer up and down that stream, it is of as great interest and importance to us as the Mississippi or any other great commercial highway in this country; and we shall insist now, as we have insisted heretofore, that a like appropriation, by a tribute levied from the common taxation of the whole people, shall be expended in promotion of improvements likewise beneficial to the whole, by an equal and fair distribution everywhere.

That is all we ask for and we will be content with nothing less.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. RIDDLEBERGER. I ask the Senator to yield to an inquiry.

Mr. KENNA. I have yielded the floor.

Mr. RIDDLEBERGER. I know the Senator has. I did not want that information. The information I wanted I think the Senator could give. He says "our committee." I feel very much like the Senator from North Carolina [Mr. VANCE] did when he wanted to bid farewell to a bill, about which I differed with him and voted contrary to what he thought was proper, I feel like giving this a parting salute. I think that possibly "our committee" will carry this bill. I think that "our committee" has possibly done enough in considering the advantages that are to come from making the appropriations to different localities to secure votes enough to pass this bill. I believe that it is an animal called the beaver that can build dams with its tail, and there are streams in this bill not only in West Virginia but in other States that even the beaver would have a contempt for.

Now I refer to the Senator's suggestion to me by the use of this pronoun "our" that this committee has done something. I ask the Senator respectfully through the Chair how to get this bill back to this committee? This bill was reported here originally from the committee. It was discussed by the Senate and there was no way of getting the bill itself back to the committee except by a motion to recommit, and never was any motion made here to recommit this bill but it went back to "our committee" and came back here amended.

How did you get it back into your committee or "our committee?" How did the Senator from Minnesota get it there so that he could come here and say that this amendment comes from the Committee on Commerce? Was there ever a motion made to recommit the bill? Did the Senator from West Virginia who represents "our committee" ever hear of a motion to recommit this bill? There never was such a motion made. When the committee themselves ascertained from the discussion of the bill that it could not bear the sunlight and not even the gaslight of this salubrious Chamber, they then brought in what they called an amendment, and their amendment came on the principle of this bill and it is "our committee." It is not "our Senate."

I want to call the attention of the Senator from West Virginia to the fact that he does not lose one penny by this bill that he could have defended if he had taken the floor on the original bill, and I want to say the same of the Senator from Minnesota, and I want to say of the Senators on this floor who have advocated the passage of this bill from the beginning that they have not stricken out any clause in it which provides for the purchase of property of private corporations and it appears here on a page three removes from that on which it appeared on the original bill. I forget the name of it, but I called attention to it on the first day of the discussion. So here is a river and harbor bill that proposes not to improve rivers and harbors alone, but to buy property of rotten corporations, and this amendment does not change the principle of the original bill. It simply says that franchises shall be bought for less than the original bill said. Strike all these things out and then you will be ready to improve rivers and harbors.

Mr. RIDDLEBERGER, here is an improvement called "Tallahatchie: Continuing improvement, \$2,625." Can the Senator tell me how the committee reached the conclusion that the Senate ought to vote that sum of money? Can he tell the Senate how they come back here and say that \$1,200 will make a harbor—not improve one, but make a harbor? Can he come back here and show me how where two-thirds of this bill appropriates from \$1,000 to \$2,000, and it asserts every time that it is for continuing the improvement of a harbor when there is no such harbor as is named in the bill, and then ask Senators here to vote the appropriation?

I know that the State of Virginia is getting its share in the bill. I noticed to-day that Senators were prepared to grin a little when the Secretary read that the State of Virginia was getting this for the Pamunkey, and that for the Mattaponi, and so on. But, sir, we want it for the improvement of harbors and of navigable rivers, and we do not want it for any other purpose. The State of Virginia has been incapable so far as I know of sending a man here to ask for an appropriation in the river and harbor bill that is not to improve a harbor. If she has, it has yet to be developed. It may be so at the other end of the Capitol, but so far as I am able to testify, and I can speak for myself, it is not here.

It is the same with this bill from the beginning to the last page of it. All these States are asking for contributions from the Federal Government, contributions not to improve rivers and harbors, but contributions to return men to the House of Representatives or to the Senate. I look through this bill and I do not find a change in it from what we had in the original bill, except in the reduction of 25 per cent. of the appropriations.

The Senator from Minnesota brought it back here as chairman of that committee after all that we had heard about deliberation in the committee-room upon the bill, and yet the whole of this day has been given up till within the last half-hour to amendments that he himself suggested. Where was that committee that brought back this amendment, and then after they had amended their own bill and stricken off 25 per cent. we are still asked to just vote blindly and blindfolded, as the Senator from Kentucky [Mr. BECK] expressed his willingness to do, for the amendment of the Committee on Commerce to this bill? I want an explanation of that. When I vote blindfolded I shall vote against appropriations; I shall not vote for them unless I do it with my eyes open.

I said in the start that I wanted to bid farewell to this bill; in other words, to say good-bye to it. It is going to pass, I take it. It will go back to the House of Representatives, and it will come here again through a conference committee that will be composed of the same men on either side who made up the bill, men who owe no responsibility, possibly, to the constituency who sent them into the one Chamber or the other; and we shall be asked, as we always are on such occasions, to acquiesce in the report of the conference committee when it comes back here.

No Senator who is opposed to it will be appointed on the conference committee. There will be men on it representing different political views, but no man who is opposed to the bill itself, no man on the other side of this question will be upon it. It will come back here the same bill, the same thing that came back here the second time from the Committee on Commerce appropriating money indiscriminately, and they will say then it is a question of privilege.

I have been reminded that I have gone beyond the five-minute rule. I should like to say a few more words only.

Mr. LOGAN. I want to call up a conference report when the Senator is through.

Mr. RIDDLEBERGER. Another conference report, not on an appropriation bill. That was the very matter I was discussing, that as soon as a conference report comes in we have nothing to do but to acquiesce and just adopt it. That is what they want with this bill in both ends of the Capitol—to get it out of here, to get it away from the Representatives, to get it away even from "our committee," to get it into the hands of a conference committee, to get it where a supposed President of the United States from Pennsylvania can assert that it is proper on the one side or a second President of the United States from somewhere else can assert that it is proper on the other side, the latter being from Iowa, and then we are asked to acquiesce in the results of

the conference, and then we appropriate for rivers, little miserable places, to which it is proposed to give this money to the deprivation of the rights of the people who live on the harbors and on the rivers where alone commerce can be improved.

Mr. President, I know I have gone beyond the five-minute rule; I know that most of the Senators have done it; I know that I have transgressed it half a dozen times; I know that it is due to you, Mr. President, that I should say that you have indulged me more than once, but you have done no more to me than to other Senators.

The Secretary proceeded to call the roll on the amendment of Mr. VEST.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. EDMUND (when Mr. MORRILL's name was called). My colleague [Mr. MORRILL] is absent ill. He is paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present, my colleague would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]; but as his colleague says he would vote "nay" if present, I vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who has been called away from the city because of a death in his family. If he were here, I should vote "nay."

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE] on this question and on all questions to-day.

The result was announced—yeas 20, nays 30; as follows:

YEAS—20.

|           |          |                    |           |
|-----------|----------|--------------------|-----------|
| Beck,     | Eustis,  | Logan,             | Pugh,     |
| Berry,    | George,  | Maxey,             | Van Wyck, |
| Call,     | Gibson,  | Mitchell of Oreg., | Vest,     |
| Cockrell, | Hampton, | Payne,             | Voorhees, |
| Coke,     | Harris,  | Plumb,             | Walthall. |

NAYS—30.

|          |           |                  |                 |
|----------|-----------|------------------|-----------------|
| Allison, | Frye,     | Jones of Nevada, | Sherman,        |
| Blair,   | Gorman,   | Kenna,           | Spooner,        |
| Conger,  | Gray,     | McMillan,        | Stanford,       |
| Cullom,  | Hale,     | Mahone,          | Teller,         |
| Dawes,   | Harrison, | Miller,          | Whitthorne,     |
| Dolph,   | Hawley,   | Platt,           | Wilson of Iowa. |
| Edmunds, | Hoar,     | Ransom,          |                 |
| Evarts,  | Ingalls,  | Saulsbury,       |                 |

ABSENT—26.

|            |                    |                  |               |
|------------|--------------------|------------------|---------------|
| Aldrich,   | Chace,             | Manderson,       | Sabin,        |
| Blackburn, | Colquitt,          | Mitchell of Pa., | Sawyer,       |
| Bowen,     | Fair,              | Morgan,          | Sewell,       |
| Brown,     | Hearst,            | Morrill,         | Vance,        |
| Butler,    | Jones of Arkansas, | Palmer,          | Wilson of Md. |
| Camden,    | Jones of Florida,  | Pike,            |               |
| Cameron,   | McPherson,         | Riddleberger,    |               |

So the amendment to the amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments to the following bills:

A bill (S. 2113) granting a pension to Mrs. Sarah Young;

A bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.; and

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 944) for the relief of Mary Jane Conrad;

A bill (H. R. 1062) for the relief of Ernest H. Wardwell;

A bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 4139) for the relief of Thomas Sampson;

A bill (H. R. 4374) to increase the pension of Samuel Frost;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6087) granting a pension to Patrick Murphy;

A bill (H. R. 6979) authorizing the construction of additional light-house districts;

A bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8066) to pension Martha A. Vorhes;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 8372) granting a pension to John E. Doggett;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll; and

A bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.

NATIONAL CEMETERY AT KNOXVILLE.

Mr. LOGAN. I desire to call up the conference report in reference to Knoxville Cemetery just received from the House. It will take but a moment. I present the report on the part of the conferees of the Senate.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a report of the committee of conference just received from the House of Representatives.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate No. 1, and agree to the same.

That the Senate recede from its amendment No. 2.

JOHN A. LOGAN,

BENJ. HARRISON,

Managers on the part of the Senate.

C. M. ANDERSON,

L. C. HOUK,

Managers on the part of the House.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8596) for the relief of Beaufort Lee and others, reported it without amendment.

BILLS INTRODUCED.

Mr. CULLOM (by request) introduced a bill (S. 2859) to incorporate the Great Falls Railway Company; which was read twice by its title, and referred to the Committee on Railroads.

Mr. GIBSON introduced a bill (S. 2860) to cancel certain reservations of lands, on account of live-oak, in the southwestern land district of the State of Louisiana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BROWN. I introduce, by request, a bill to perfect the military record of James T. Hughes, together with the petition of Mrs. Hughes, the mother of the deceased, whose record is to be perfected by the bill.

The bill (S. 2861) to perfect the military record of James T. Hughes was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 2862) to provide for the entry of a certain tract of land for town-site purposes; which was read twice by its title, and referred to the Committee on Public Lands.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask permission to place before the Senate the report of the conference committee on the legislative appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa presents a conference report, which will be read.

Mr. ALLISON. The report is a disagreement.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8974) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," having met, after full and free conference have been unable to agree.

W. B. ALLISON,

H. L. DAWES,

F. M. COCKRELL,

Managers on the part of the Senate.

W. S. HOLMAN,

GEO. C. CABELL,

J. G. CANNON,

Managers on the part of the House.

Mr. ALLISON. I move that the Senate still further insist on its amendments.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate still further insist on its amendments.

Mr. INGALLS. Are these the same amendments on which we had a debate about fifteen minutes ago?

Mr. ALLISON. Yes, sir.

Mr. INGALLS. It has been an extraordinarily rapid determination to reach a point of disagreement again, it seems to me. What is the condition?

Mr. ALLISON. The condition is a disagreement.

Mr. INGALLS. Has there been a full and free conference since that time?

Mr. ALLISON. Very full, and quite free.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate further insist.

The motion was agreed to.

## MRS. SARAH YOUNG.

Mr. WILSON, of Iowa, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2113) granting a pension to Mrs. Sarah Young, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the word "twelve" insert the word "twenty;" and the House agree to the same.

PHILETUS SAWYER,  
JAMES F. WILSON,  
W. C. WHITTHORNE,  
*Managers on the part of the Senate.*  
EDWIN B. WINANS,  
JNO. A. SWOPE,  
E. H. CONGER,  
*Managers on the part of the House.*

Mr. EDMUND. Let that be explained.

Mr. WILSON, of Iowa. The Senate passed a bill granting a pension to Mrs. Sarah Young at the rate of \$25. The House amended the bill by reducing the rate to \$12. The Senate disagreed and asked for a conference which was granted, and the conferees have agreed upon \$20 as the rate.

The report was concurred in.

## THE RIVER AND HARBOR BILL.

Senate resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is the amendment of the Senator from Minnesota [Mr. McMILLAN].

Mr. KENNA. I offer an amendment to come in at the end of the first section.

The PRESIDENT *pro tempore*. The amendment of the Senator from West Virginia will be read.

The CHIEF CLERK. It is proposed to insert, as a new section, the following:

If, in the judgment of the Secretary of War, the public interests will be subserved by the withholding of the amount appropriated for any improvement provided for in this act for the current year he may do so in his discretion, and shall report such fact, and the reasons therefor, to the next session of Congress.

Mr. EDMUND. I move to amend the amendment by striking out the words "Secretary of War" and inserting "President of the United States."

Mr. KENNA. I have no objection to that modification. I inserted "Secretary of War" simply because the early part of the bill directs the expenditures to be under the Secretary of War.

Mr. EDMUND. I know, but this question of withholding is a much more important one.

Mr. KENNA. I have no objection to the modification.

Mr. PLUMB. I move to lay the amendment on the table.

Mr. KENNA. I hope the Senator will withdraw that motion until I explain it in a minute.

Mr. PLUMB. I withdraw the motion.

Mr. KENNA. It is the opinion as developed here of, I think, quite a majority of the Senate that under the discretion of the executive department that might be done which can be done under this amendment. I should like to leave it beyond any controversy, and for that reason offer the amendment.

It will be observed that the amendment does not vest the executive department with discretion to suspend these appropriations or the prosecution of any particular work indefinitely. It does allow it for the current year; but even if the suspension is made for the current year, the fact of the suspension or withholding and the reasons therefor are to be reported to the next session of Congress in December.

That is all I meant by offering the amendment, and I hope it will be the pleasure of the Senate and the friends of the bill to adopt it.

Mr. PLUMB. I move that it lie on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the amendment lie on the table.

Mr. BECK. Let it be read again. We heard it very indistinctly here.

The PRESIDENT *pro tempore*. The amendment will be read again. The Chief Clerk read the amendment.

Mr. BECK. That means that the President is to be substituted for the Congress of the United States, to do as he likes.

Mr. CHACE. I wish to offer an amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the amendment lie on the table; that is not debatable.

The motion was agreed to.

Mr. LOGAN. I desire to call the attention of the Senate, and especially of the chairman of the committee, to page 48, from line 1152 to line 1158, the appropriation for dredging and continuing the work on the Calumet River. There were \$40,000 appropriated, and \$15,000 of the \$40,000 was to be expended between the Forks, one-half mile east of Hammond, Ind., and \$7,500 of which was to be in dredging the river between the Forks and the State line of Illinois and Indiana, and \$7,500 on the river at Hammond, Ind. On motion of the Senator from

Indiana [Mr. HARRISON] the \$15,000 was divided, making \$7,500 to be applied in dredging opposite Hammond and the balance on the opposite side of the river between the Forks, &c. The reduction of 25 per cent. has been taken from the \$40,000, leaving it \$30,000 without any change in the \$7,500 for the dredging at either of these places. I should like to know what the object of that is.

Mr. McMILLAN. The Senator from Indiana called my attention to the fact that perhaps there might be some injustice done to the Senator from Illinois or some misunderstanding between himself and the Senator from Illinois. He did not ask for a reduction in these items, and on conference with the Senator from Indiana I suggested to him that the change should be made, and he called the attention of the Senator from Illinois who now has the floor to the fact and told him that he would ask me to make the change. The attention of the Senator from Illinois was called to it by the Senator from Indiana after a conference between myself and the Senator from Indiana in which I suggested that I would make that change, and I had risen to make it when the Senator from Illinois insisted upon taking the floor.

Mr. LOGAN. I know of no conference between you and the Senator from Indiana and never heard of it. The Senator from Indiana called my attention to the fact.

Mr. HARRISON. I called the attention both of the Senator from Minnesota and the Senator from Illinois, because this had been a matter of discussion and somewhat of agreement, and I felt that it was unfair, my attention having been called to it by the Senator from Illinois, that I should let it stand in that way. The Senator from Minnesota agreed to make the modification.

Mr. LOGAN. I knew nothing about that fact. We talked with the Senator from Indiana about it, and I once made a memorandum for the purpose of making the suggestion to the Senate. I knew nothing about the conference between the two Senators.

Mr. McMILLAN. In line 1152 let "\$15,000" be made "\$11,250."

Mr. LOGAN. Why make it \$11,250?

Mr. McMILLAN. That is a reduction of 25 per cent.

Mr. LOGAN. But I want to make it \$10,000 and add \$5,000 to the \$30,000 for continuing the improvement of Calumet River, so as to have \$5,000 for dredging at each place.

Mr. McMILLAN. In line 1154 change the "\$7,500" to "\$5,625," and in line 1157 change "\$7,500" to "\$5,625."

Mr. EDMUND. That puts it on the pro rata.

Mr. LOGAN. How is that?

Mr. McMILLAN. It makes it conform to the proportion.

Mr. LOGAN. I know it reduces it that percentage, but it makes the appropriation for the dredging there larger than the appropriation for the whole river. That leaves \$11,500 to be used in two certain places when there will be only \$19,000 left for the whole river.

Mr. HARRISON. It is all for the whole river.

Mr. LOGAN. I know it is all for the whole river, but this is confined now on the suggestion of the Senator from Indiana to these two spots. The whole appropriation is only \$30,000, and I suggest, if \$20,000 is sufficient for the remainder of the work, that \$10,000 be used for dredging. As the chairman proposes it, \$11,500 would be used at these two places, leaving less than \$19,000 for the rest of the river. I do not think that is fair. I suggest that the appropriation be \$5,000 at each of the two places, and that the \$10,000 be taken from the \$30,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend the amendment so as to make it read:

Improving Calumet River, Illinois: Continuing improvement, \$30,000; of which \$11,250 are to be used between the Forks and one-half mile east of Hammond, Ind.; \$5,625 of which are to be used in dredging the river between the Forks and the State line of Illinois and Indiana; and \$5,625 on the river at Hammond, Ind.

Mr. LOGAN. I move to amend that by making it \$5,000 to be used opposite Hammond and \$5,000 at the other spot.

Mr. HARRISON. I hope the Senator from Illinois will not insist upon that. This is the exact state of the case: The Senate increased the amount of the total appropriation \$5,000 and it increased the amount to be used between certain points from \$10,000 to \$15,000. Now the understanding upon which this amendment was reported was a uniform reduction of 25 per cent. on the aggregate and on each item to which it applied. That is exactly what I suggested to the Senator from Illinois, exactly what the Senator from Minnesota has proposed. It leaves it just as the Senate committee reported it, reducing the aggregate one-fourth to each item, as the Senate committee apportioned it. It is the same principle precisely that has been applied to every item in this bill from first to last.

Mr. LOGAN. I will not contend a moment about it, for it is no use. I know something about this work myself, though I find other people who are on the committee know more about it than I do although I live there.

The 25 per cent. reduction is on the \$40,000 as it stood before and not on the \$15,000. Forty thousand dollars was the aggregate appropriation and the reduction has been made on that. If the reduction is made on both the \$40,000 and the \$15,000 it is more than 25 per cent. in the aggregate. I think any person could make that calculation

very rapidly. However, I shall not contend about it. Let the amendment be adopted.

The amendment to the amendment was agreed to.

Mr. VEST. On page 58, line 1401, I move to strike out "one million six hundred and eighty-seven thousand five hundred" and insert "two million two hundred and fifty thousand."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 58, line 1401, it is proposed to strike out "one million six hundred and eighty-seven thousand five hundred" and insert "two million two hundred and fifty thousand;" so as to read:

Improving Mississippi River from head of the passes to the mouth of the Ohio River: Continuing improvement, \$2,250,000; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission.

Mr. VEST. This is the last time I shall trouble the Senate on this bill. The Mississippi River Commission asked for continuing the improvement of the Mississippi River from Cairo, Ill., to the head of the passes, including the improvement of the Red River at and below the head of the Atchafalaya, \$7,000,000. For local improvements at Columbus, Ky., Hickman, Ky., Memphis, Tenn., Greenville, Miss., Vicksburg, Miss., Natchez, Miss., New Orleans, La., in addition to the foregoing, \$2,014,600; making, \$9,014,600.

Mr. EDMUND. There is so much noise in the Chamber that I can not hear the Senator from Missouri.

Mr. VEST. It is no fault of mine. I am speaking as loud as I can.

The PRESIDENT *pro tempore*. Senators will please cease conversation and resume their seats.

Mr. VEST. If the Senator from Vermont desires I will again read what the Mississippi River Commission asks for the improvement of the Mississippi River from Cairo to the head of the passes:

For continuing the improvement..... \$7,000,000  
For improvements in addition to the foregoing at Columbus, Hickman, Memphis, Greenville, Vicksburg, Natchez, and New Orleans. 2,014,600

Making the estimate in the aggregate for the general improvement and the local improvement..... 9,014,600

The bill as it stands gives to the same reach of the river from Cairo to head of the passes \$1,687,500. I propose to put back in the bill the amount the Committee on Commerce of the Senate reported, and which was the amount put in by the House of Representatives, \$2,250,000; and on that I ask for the yeas and nays.

Mr. McMILLAN. I move to lay this amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to lay on the table the amendment of the Senator from Missouri.

Mr. VEST. I call for the yeas and nays on that motion.

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

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. McMILLAN (when Mr. SABIN's name was called). My colleague [Mr. SABIN] is paired with the Senator from Indiana [Mr. VOORHEES]. If present, my colleague would vote "yea."

Mr. SPOONER (when Mr. SAWYER's name was called). My colleague [Mr. SAWYER] is paired with the Senator from Tennessee [Mr. WHITTHORNE].

Mr. VOORHEES (when his name was called). I believe my pair has been announced with the Senator from Minnesota [Mr. SABIN]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I should vote "nay" if I were not paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. BUTLER. I was requested by the Senator from Kansas [Mr. PLUMB] to announce his pair with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BROWN. My colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

At this point Mr. PLUMB appeared and voted "yea."

Mr. BUTLER. I shall have to withdraw my vote, and announce my pair with the Senator from Pennsylvania [Mr. CAMERON]. I withdraw my vote.

The result was announced—yeas 29, nays 19; as follows:

YEAS—29.

|          |           |            |                 |
|----------|-----------|------------|-----------------|
| Blair,   | Frye,     | McMillan,  | Spooner,        |
| Brown,   | Gorman,   | Mahone,    | Stanford,       |
| Conger,  | Gray,     | Miller,    | Teller,         |
| Cullom,  | Harrison, | Platt,     | Wilson of Iowa. |
| Dawes,   | Hawley,   | Plumb,     | Wilson of Md.   |
| Dolph,   | Hoar,     | Ransom,    |                 |
| Edmunds, | Ingalls,  | Saulsbury, |                 |
| Evarts,  | Kenna,    | Sherman,   |                 |

NAYS—19.

|         |          |                    |           |
|---------|----------|--------------------|-----------|
| Beck,   | George,  | Jones of Arkansas, | Pugh,     |
| Berry,  | Gibson,  | Logan,             | Van Wyck, |
| Call,   | Hampton, | Maxey,             | Vest,     |
| Coke,   | Harris,  | Mitchell of Oreg., | Walthall. |
| Eustis, | Hearst,  |                    |           |

ABSENT—28.

|            |                   |                  |               |
|------------|-------------------|------------------|---------------|
| Aldrich,   | Chace,            | McPherson,       | Riddleberger, |
| Allison,   | Cockrell,         | Manderson,       | Sabin,        |
| Blackburn, | Colquitt,         | Mitchell of Pa., | Sawyer,       |
| Bowen,     | Fair,             | Morgan,          | Sewell,       |
| Butler,    | Hale,             | Morrill,         | Vance,        |
| Camden,    | Jones of Florida, | Palmer,          | Voorhees,     |
| Cameron,   | Jones of Nevada,  | Pike,            | Whitthorne.   |

So the motion to lay the amendment to the amendment on the table was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment proposed by the Senator from Minnesota [Mr. McMILLAN], from the Committee on Commerce, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. Were he present, he would vote "yea" and I should vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], and my colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. CONGER (when Mr. PALMER's name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. My colleague, if present, would vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]; but I am informed by his colleague that he would vote "yea." I shall therefore vote "yea."

Mr. SPOONER (when Mr. SAWYER's name was called). My colleague [Mr. SAWYER] is paired with the Senator from Tennessee [Mr. WHITTHORNE]. If my colleague were present, he would vote "yea."

Mr. VOORHEES (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN], who is absent on account of sickness.

The roll-call was concluded.

Mr. BROWN (after having voted in the affirmative). I am paired now with the Senator from Vermont [Mr. MORRILL], and therefore withdraw my vote. If the Senator from Vermont were here, I should vote "nay" and, as I understand, he would vote "yea."

Mr. RIDDLEBERGER. I refrain from voting simply because yesterday I offered an amendment to this amendment striking out all after the enacting clause and inserting

The PRESIDENT *pro tempore*. It is not in order to interrupt the call of the roll.

Mr. RIDDLEBERGER. On account of the fact—

The PRESIDENT *pro tempore*. The roll-call can not be interrupted.

The result was announced—yeas 31, nays 18; as follows:

YEAS—31.

|          |           |                  |                 |
|----------|-----------|------------------|-----------------|
| Allison, | Frye,     | Jones of Nevada, | Saulsbury,      |
| Beck,    | Gorman,   | Kenna,           | Sherman,        |
| Blair,   | Gray,     | McMillan,        | Spooner,        |
| Conger,  | Hale,     | Mahone,          | Stanford,       |
| Cullom,  | Harrison, | Miller,          | Teller,         |
| Dawes,   | Hawley,   | Payne,           | Wilson of Iowa, |
| Edmunds, | Hoar,     | Platt,           | Wilson of Md.   |
| Evarts,  | Ingalls,  | Ransom,          |                 |

NAYS—18.

|           |          |                    |           |
|-----------|----------|--------------------|-----------|
| Berry,    | Eustis,  | Hearst,            | Van Wyck, |
| Call,     | George,  | Jones of Arkansas, | Vest,     |
| Cockrell, | Gibson,  | Maxey,             | Walthall. |
| Coke,     | Hampton, | Mitchell of Oreg., |           |
| Dolph,    | Harris,  | Pugh,              |           |

ABSENT—27.

|            |                   |                  |             |
|------------|-------------------|------------------|-------------|
| Aldrich,   | Chace,            | Mitchell of Pa., | Sabin,      |
| Blackburn, | Colquitt,         | Morgan,          | Sawyer,     |
| Bowen,     | Fair,             | Morrill,         | Sewell,     |
| Brown,     | Jones of Florida, | Palmer,          | Vance,      |
| Butler,    | Logan,            | Pike,            | Voorhees,   |
| Camden,    | McPherson,        | Plumb,           | Whitthorne. |
| Cameron,   | Manderson,        | Riddleberger,    |             |

The amendment was agreed to.

Mr. COCKRELL. The Committee on Appropriations has leave to sit during the sessions of the Senate, and I have been engaged in committee. When the vote was taken on the motion of the Senator from Minnesota [Mr. McMILLAN] to lay on the table the amendment of my colleague [Mr. VEST], if I had been present I should have voted "nay" upon that motion, as I was in favor of the amendment.

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

The bill was read the third time.

Mr. PLATT. On the passage of the bill let us have the yeas and nays.

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

Mr. BLACKBURN (when his name was called). I am paired with the absent Senator from Nebraska [Mr. MANDERSON]; but assured as I am that he would vote for this bill were he present, I shall exercise my right, and vote "yea."

Mr. BUTLER (when Mr. CAMERON's name was called). The Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from Kansas [Mr. PLUMB]. The Senator from Pennsylvania, if present, would vote "yea" and the Senator from Kansas would vote "nay."

Mr. CHACE (when his name was called). If I were not paired with the Senator from Georgia [Mr. COLQUITT], I should vote "yea" on this bill. My colleague [Mr. ALDRICH] would also vote "yea" if he were not paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. CONGER (when Mr. PALMER's name was called). I announce again that my colleague [Mr. PALMER] is absent on account of sickness. He is paired with the Senator from North Carolina [Mr. VANCE]. My colleague, if present, would vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I understand he would vote "nay" if he were here. I transfer my pair to the Senator from Arkansas [Mr. JONES], who would vote "yea," and I vote "nay."

Mr. SPOONER (when his name was called). My colleague [Mr. SAWYER] is unavoidably absent. He would vote "yea" if he were present and not paired with the Senator from Tennessee [Mr. WHITTHORNE].

Mr. RANSOM (when the name of Mr. VANCE was called). My colleague [Mr. VANCE] is generally paired with the Senator from Michigan [Mr. PALMER], but if he were here my colleague would vote "yea."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], but learning from his colleague that if he were present he would vote "yea," I therefore vote "yea."

Mr. BROWN. My colleague [Mr. COLQUITT] is paired on this question with the Senator from Rhode Island [Mr. CHACE]. As I understand their positions, if my colleague were present he would vote "nay" and the Senator from Rhode Island would vote "yea."

Mr. KENNA. With the concurrence of the Senator from Delaware [Mr. SAULSBURY], I will transfer the pair between the Senator from Minnesota [Mr. SABIN] and myself, so as to allow the Senator from Arkansas [Mr. JONES] to vote.

Mr. JONES, of Arkansas. I vote "yea."

The result was announced—yeas 42, nays 14; as follows:

YEAS—42.

|            |           |                    |               |
|------------|-----------|--------------------|---------------|
| Allison,   | Conger,   | Hoar,              | Pugh,         |
| Beek,      | Cullom,   | Ingalls,           | Ransom,       |
| Berry,     | Dolph,    | Jones of Arkansas, | Sherman,      |
| Blackburn, | Eustis,   | Jones of Nevada,   | Spooner,      |
| Blair,     | Evarts,   | Kenna,             | Stanford,     |
| Brown,     | George,   | McMillan,          | Van Wyck,     |
| Butler,    | Gibson,   | Mahone,            | Vest,         |
| Call,      | Gorman,   | Maxey,             | Walhall,      |
| Camden,    | Gray,     | Miller,            | Wilson of Md. |
| Cockrell,  | Hampton,  | Mitchell of Oreg., |               |
| Coke,      | Harrison, | Payne,             |               |

NAYS—14.

|          |         |               |                 |
|----------|---------|---------------|-----------------|
| Dawes,   | Harris, | Riddleberger, | Whitthorne,     |
| Edmunds, | Hawley, | Saulsbury,    | Wilson of Iowa. |
| Frye,    | Hearst, | Teller,       |                 |
| Hale,    | Platt,  | Voorhees,     |                 |

ABSENT—20.

|           |                   |                  |         |
|-----------|-------------------|------------------|---------|
| Aldrich,  | Fair,             | Mitchell of Pa., | Plumb,  |
| Bowen,    | Jones of Florida, | Morgan,          | Sabin,  |
| Cameron,  | Logan,            | Morrill,         | Sawyer, |
| Chace,    | McPherson,        | Palmer,          | Sewell, |
| Colquitt, | Manderson,        | Pike,            | Vance.  |

So the bill was passed.

Mr. HALE. Mr. President—

Mr. McMILLAN. I ask the Senator from Maine to yield to me to move that the Senate insist on its amendment to this bill and ask for a conference.

Mr. EDMUND. No; the House will probably agree to it.

Mr. HALE. That is part of the business that we have just been transacting. If the Senator chooses to make that motion now I shall not object.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate insist on its amendment to the river and harbor bill and ask for a conference.

The motion was agreed to.

LIGHT-HOUSE SUPPLY STEAMER.

Mr. McMILLAN. I ask the Senator from Maine to yield to me to submit a conference report.

Mr. HALE. Certainly.

The PRESIDENT *pro tempore*. The Chair will receive it.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7627) "providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: In section 2 strike out all of line 3 and the first three words in line 4; after the words "New York," in line 5, insert "the cost of which shall not exceed the sum of \$40,000;" in line 7, after the word "of," strike out "forty" and insert "three;" and at the end of the section add "and also to place and maintain at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal;" so that the section will read:

"That the Light-House Board is authorized and required to establish and maintain light-ships at the following places: one at or near the south end of Ram Island and Reef, Fisher's Island Sound, Long Island, New York, the cost of which shall not exceed the sum of \$40,000; one, the cost of which shall not exceed the sum of \$3,000, to be stationed off Grosse's Point, Lake Saint Clair, Michigan; and also to place and maintain at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal."

And the Senate agree to the same.

S. J. R. McMILLAN,  
J. N. DOLPH,  
A. P. GORMAN,  
*Managers on the part of the Senate.*  
MARTIN L. CLADY,  
T. E. TARSNEY,  
W. W. MORROW,  
*Managers on the part of the House.*

Mr. EDMUND. I should like that to be explained. It is impossible from hearing the report to understand what the points of difference were and what the effect of the agreement is.

Mr. McMILLAN. The Senate passed several separate bills to provide for light-ships, and they amended a House bill providing for one by inserting additional ones which had been passed by the Senate in these separate bills. The House conferees agree to the Senate bills incorporated as an amendment on this bill reducing the amount of one of the appropriations where the Light-House Board thought it was not necessary that it should be more than \$3,000, reducing it from an amount not exceeding \$40,000, and the Light-House Board say that the \$3,000 will be sufficient. The House assented to all of the propositions of the Senate otherwise.

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred to the Committee on Education and Labor:

A bill (H. R. 5310) to protect mechanics, laborers, and servants in their wages;

A bill (H. R. 5541) to prevent the employment of convict labor and alien labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and to regulate the manner of letting contracts therefor;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

Joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes.

The bill (H. R. 9857) in relation to the western judicial district of Wisconsin was read twice by its title and referred to the Committee on the Judiciary.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Maine wish the bill read now?

Mr. HALE. I propose to go on with the bill.

Mr. EDMUND. Let us finish it to-night.

Mr. HALE. I ask that the formal reading be dispensed with and that the bill be considered with the committee amendments and the amendments acted on as they are reached in the reading.

The PRESIDENT *pro tempore*. If there be no objection that course will be pursued and the amendments of the Committee on Appropriations will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee of Appropriations was, under the head of "Pay of the Navy," in line 18, after the words "in all," to strike out—

Six million three hundred and twelve thousand seven hundred and seven dollars and twenty-six cents; besides which the sum of \$576,380 of the surplus on hand to the credit of "Pay of the Navy" is hereby reappropriated and made available—

And in lieu thereof to insert:

Six million eight hundred and eighty-nine thousand and eighty-seven dollars and twenty-six cents—

So as to make the clause read:

For the pay of officers on sea-duty; officers on shore and other duty; officers on waiting orders; officers on the retired-list; Admiral's and Vice-Admiral's secretaries; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; inspections; receiving-ships and other vessels; extra pay to men re-enlisting under honorable discharge; pay of petty officers, seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey Service and Fish Commission, seven thousand five hundred men and seven hundred and fifty boys, at the pay prescribed by law, in all, \$6,889,087.26.

Mr. HALE. That should be \$7,129,087.26. I move to so amend the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Pay, Miscellaneous," in line 34, after the word "cadets," to strike out "and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1887, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require;" and in line 57, after the word "thereof," to strike out "two hundred and twenty-five thousand" and insert "one hundred and ninety-one thousand one hundred;" so as to read:

Pay, miscellaneous:

For commission and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons, ferrage, tolls, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction at home or abroad, including maintenance of students, and information from abroad, and the collection and classification thereof, \$191,100.

The amendment was agreed to.

Mr. BECK. I desire to ask the Senator from Maine if some complaint was not made about the change in lines 57 and 58?

Mr. HALE. It may be that the amount is rather small.

Mr. BECK. It can perhaps be arranged afterward.

Mr. HALE. It can be arranged.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Navigation," in line 101, to reduce the appropriation for "foreign and local pilotage and towage of ships of war; services and materials in correcting compasses on board ships, and for adjusting and testing compasses on shore; nautical and astronomical instruments, nautical books, maps, charts, and sailing directions, and repairs of nautical instruments for ships of war; books for libraries of ships of war; naval signals and apparatus," &c., from \$87,500 to \$83,500.

The amendment was agreed to.

The next amendment was, in line 106, after the word "coast," to strike out "and for publishing charts of the coast from San Francisco to Panama, ten," and insert "seven," so as to read:

For preparing and engraving on copper plates the surveys of the Mexican coast, \$7,000.

The amendment was agreed to.

The next amendment was, in line 119, to strike out "eighteen hundred and seventy-four and;" so as to read:

For the completion and other expenses connected with the reduction of the observations of the transit of Venus, in 1882, to be expended under the direction of the Transit of Venus Commission: *Provided*, That said commission shall deliver all the instruments and other public property in its possession into the custody of the Secretary of the Navy, \$3,000.

The amendment was agreed to.

The next amendment was, in line 127, after the word "work," to strike out "whatever;" and in line 128, before the words "in payment," to insert "used;" so as to read:

For the civil establishment at navy-yards and stations, including master of tugs, storekeepers, clerks, writers, and all clerical work, \$9,000; and no other fund appropriated by this act shall be used in payment for such services.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," in line 131, before the word "preserving," to strike out "procuring, producing, and;" after the word "preserving" to insert "and handling;" and in line 136, after the words "one hundred and," to strike out "twenty-seven thousand five" and insert "nine thousand three;" so as to make the clause read:

For preserving and handling ordnance material; for the armament of ships; for fuel, tools, material, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval ordnance battery and proving-ground, \$109,300.

The amendment was agreed to.

The next amendment was in line 145, after the word "Bureau," to strike out "and so forth;" so as to read:

For miscellaneous items, namely: Freight to foreign and home stations, advertising and auctioneers' fees, cartage and express charges, repairs to fire-engines, gas and water pipes, gas and water tax at magazines, toll, ferrage, foreign postage, and telegrams to and from the Bureau, \$1,000.

The amendment was agreed to.

The next amendment was, in line 154, after the word "wharves," to strike out "and so forth;" so as to read:

For the torpedo corps, namely: For labor; material; freight and express charges; general care of and repairs to grounds, buildings, wharves, boats; instruction; instruments, tools, furniture, experiments, and general torpedo outfit, \$50,000.

The amendment was agreed to.

The next amendment was, in line 157, after the word "ferry-launch," to strike out "setting boilers" and insert "including machinery, in place of that now in use;" and in line 159, before the word "dollars," to strike out "five hundred;" so as to read:

For new ferry-launch, including machinery, in place of that now in use, building fuse-room and coal-shed, \$8,000.

The amendment was agreed to.

The next amendment was, after line 159, to insert:

Chicago, Boston, Atlanta, and Dolphin: To complete the armament of the three steam-cruisers, the Chicago, Boston, and Atlanta, and the dispatch-boat Dolphin, \$91,137.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment and Recruiting," in line 175, to reduce the appropriation "for equipment of vessels" from \$790,000 to \$782,200.

The amendment was agreed to.

The next amendment was, in line 186, before the word "postage," to insert "foreign;" so as to read:

For contingent expense, equipments and recruiting: For extra expenses of training-ships, freight and transportation of equipment stores, printing, advertising, telegraphing, books and models, foreign postage, ferrage, ice, apprehension of deserters and stragglers, continuous-service certificates, good conduct badges, and libraries for enlisted men, school-books for training-ships, medals for boys, and emergencies arising under cognizance of the Bureau of Equipment and Recruiting unforeseen and impossible to classify, \$20,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in line 206, after the word "service," to insert "sent to foreign countries;" in line 212, after the words "quarters at," to strike out "Philadelphia" and insert "League Island;" in line 213, after the words "League Island," to strike out "rent of eight officers' quarters at Washington;" and in line 216, before the word "thousand," to strike out "ninety" and insert "fifty-two;" so as to make the clause read:

For general maintenance of yards and docks, namely: For freight and transportation of materials and stores; books, maps, models, and drawings; purchase and repair of fire-engines; machinery; repairs on steam fire-engines, and attendance on the same; purchase and maintenance of oxen and horses, and driving-teams; carts and timber-wheels, and all vehicles for use in the navy-yards, and tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; furniture for Government houses and offices in the navy-yards; coal and other fuel; candles, oil, and gas; cleaning and clearing up yards and care of public buildings; attendance on fires, lights, fire-engines, and apparatus; for incidental labor at navy-yards; water-tax, and for tolls and ferrage; rent of four officers' quarters at League Island; pay of watchmen in the navy-yards; and for awnings and packing-boxes, and advertising for yards and docks purposes, \$152,000.

The amendment was agreed to.

The next amendment was, after line 225, to insert the following head-line:

#### NAVAL ASYLUM.

The amendment was agreed to.

The next amendment was, under the head of "Naval Asylum," in line 245, after the word "dollars," to strike out "erecting brick building in rear of main building for kitchen, laundry, and servants' quarters, \$10,000; in line 249, after the word "dollars," to strike out "removing laundry boilers and tubs to new building, and plumbing, \$400; kitchen range for new building, \$800;" and in line 253, after the words "in all," to strike out "seventy-four thousand two hundred" and insert "sixty-three thousand;" so as to make the clause read:

For the Naval Asylum, Philadelphia, Pa.: For superintendent, \$600; steward, \$480; matron, \$360; chief cook, \$240; two assistant cooks, \$360; chief laundress, \$192; six laundresses, at \$168 each; four scrubbers, at \$168 each; eight waiters, at \$168 each; six laborers, at \$240 each; stable-keeper and driver, \$360; master-at-arms, \$480; two house corporals, at \$300 each; barber, \$360; carpenter, \$845; water-rent and gas, \$1,800; cemetery, burial expenses, and head-stones, \$350; improvement of grounds, \$500; repairs to buildings, furnaces, grates, and ranges, furniture, and repairs to furniture, \$4,500; fitting up bath-rooms with twelve tubs for use of beneficiaries, \$800; and for support of beneficiaries, \$45,800; in all, \$63,057; which sum shall be paid out of the income from the naval pension fund.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Medicine and Surgery," in the clause making appropriations "for contingent expenses," in line 276, after the words "naval dispensary," to insert "Washington;" in line 279, after the words "naval dispensary," to insert "Washington;" in line 282, before the word "contingent," to insert

sert "absolutely necessary;" and in the same line, after the word "expenses," to strike out "impossible to classify;" so as to make the clause read:

For contingent expenses: For freight or expressage on medical stores, toll, ferries; transportation of insane persons; advertising; telegraphing; rent of telephones; purchase of books; postage, and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary and museum of hygiene; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase and feed of horses and cows; trees, plants, garden-tools, and seeds; furniture and incidental articles for museum of hygiene, naval dispensary, Washington, naval laboratory, sick-quarters at Naval Academy, and dispensaries at navy-yards; washing for medical department at museum of hygiene, naval dispensary, Washington, naval laboratory, sick-quarters at Naval Academy, dispensaries at navy-yards, and for receiving-ships and rendezvous, and all other absolutely necessary contingent expenses, \$20,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Provisions and Clothing," in line 294, before the word "thousand," to strike out "eighty-one" and insert "fifty-two;" and in line 295, after the word "dollars," to strike out—

Of which the sum of \$250,000 shall be paid from the clothing fund and \$75,000 from the small-stores fund on hand to the credit of the Bureau of Provisions and Clothing, and the remainder, to wit, \$756,000, is hereby appropriated from the Treasury of the United States.

So as to make the clause read:

For provisions for the seamen and marines; commuted rations for officers, naval cadets, seamen, and marines; commuted rations stopped on account of sick in hospital and credited to the hospital fund; water for drinking and cooking purposes on board ships; and for labor and expenses of inspections; in all, \$1,052,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for contingent expenses of Bureau of Provisions and Clothing, in line 306, after the word "ferriages," to strike out "car-tickets;" and in line 307, after the words "ice and," to strike out "other expenses not enumerated" and insert "incidental expenses absolutely necessary;" so as to make the clause read:

For contingent expenses: For freight on shipments, candles, fuel, books and blanks, stationery, advertising, furniture for inspections and pay offices in the navy-yards, expenses of naval-clothing factory, foreign postage, telegrams, express charges, tolls, ferriages, yeomen's stores, iron safes, newspapers, ice, and incidental expenses absolutely necessary, \$50,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," after the words "foreign stations," at the end of line 321, to insert "preservation of materials;" in line 322, after the words "purchase of," to strike out "machinery, rights of patent articles, and;" and in line 329, before the word "thousand," to strike out "eighty" and insert "fifty-seven;" so as to read:

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools for use in shops; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in line of construction and repair; incidental expenses, such as advertising, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for the drawing-room, \$957,000.

The amendment was agreed to.

The next amendment was, in line 330, to strike out the proviso to the clause appropriating \$957,000 "for preservation and completion of vessels on the stocks and in ordinary," &c., as follows:

*Provided*, That in the discretion of the Secretary of the Navy \$30,000 of the amount hereby appropriated may be used to repair and furnish a suitable vessel, if in his judgment it can be done without injury to the service, said vessel to be used as a nautical schoolship at the port of Philadelphia, Pa., under the authority and provisions of the act of Congress of June 20, 1874.

And in lieu thereof to insert:

*Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

The amendment was agreed to.

The next amendment was, after line 350, to insert:

Chicago, Boston, Atlanta, and Dolphin: To complete the construction of the three steel cruisers, the Chicago, Boston, and Atlanta, and to pay the amount due on the dispatch-boat Dolphin, authorized by the act approved March 3, 1883, \$96,861.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam Engineering," in line 358, after the word "completion," to strike out "and;" in the same line, after the word "repairs," to insert "and preservation;" in line 360, after "steam-steerers," to insert "pneumatic steerers;" in line 361, after the words "steam windlasses," to strike out "and so forth;" so as to read:

Bureau of Steam Engineering:

For completion, repairs, and preservation of machinery and boilers of naval vessels, including cost of new boilers, steam-steerers, pneumatic steerers, steam capstans, steam windlasses.

The amendment was agreed to.

Mr. HALE. There should be inserted there "steam windlasses and other steam auxiliaries."

The PRESIDING OFFICER (MR. HARRIS in the chair.) The words "steam windlasses" are already in the bill. The question will be on adding the other words.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 364, after the word "launches," to strike out "and so forth;" after the word "engines," at the end of line 367, to strike out "and so forth;" and in line 371, after the words "hundred and," to strike out "eighty" and insert "sixty-three;" so as to read:

Bureau of steam-engineering:

For completion, repairs, and preservation of machinery and boilers of naval vessels, including cost of new boilers, steam-steerers, pneumatic steerers, steam capstans, steam windlasses; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels; repair and care of machinery of yard tugs and launches; purchase, handling, and preservation of all materials and stores; purchase, fitting, repair, and preservation of machinery and tools in the navy-yards and stations; running yard engines; incidental expenses for naval vessels, yards, and the bureau, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, \$763,000.

The amendment was agreed to.

The next amendment was, in line 372, at the end of the clause "for completion, repairs, and preservation of machinery and boilers of naval vessels," &c., to insert the following proviso:

*Provided*, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power; but nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and materials.

The amendment was agreed to.

The next amendment was, in line 381, before the word "instruments," to insert "and;" and, after "instruments," to strike out "and so forth;" so as to read:

For contingencies, drawing materials, and instruments, for the draughting-room, \$500.

The amendment was agreed to.

The next amendment was, under the head of "Naval Academy," in line 395, after the words "and one of," to strike out "physics" and insert "chemistry;" in line 397, after the words "namely, one of," to strike out "chemistry" and insert "physics;" so as to read:

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry at \$2,500 each; three professors (assistants), namely, one of physics.

Mr. HALE. I wish that amendment disagreed to. It was proposed under a misapprehension.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 399, after the word "each," to strike out "four" and insert "five;" in line 400, after the word "namely," to insert "one of English studies, history, and law;" so as to read:

For pay of professors and others: For two professors, namely, one of mathematics and one of chemistry at \$2,500 each; three professors (assistants), namely, one of physics, one of Spanish and French, and one of English studies, history, and law, at \$2,200 each; five assistant professors, namely, one of English studies, history, and law, three of French, and one of drawing, at \$1,800 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 426, after the word "at," to strike out "two hundred and forty" and insert "three hundred;" so as to read:

Six attendants at recitation-rooms, library, store, chapel, and offices, at \$300 each.

The amendment was agreed to.

The next amendment was, in line 430, to increase the total amount of the appropriation "for pay of professors and others" at the Naval Academy from \$49,959 to \$52,119.

The amendment was agreed to.

The next amendment was, after the word "cadets," at the end of line 433, to insert "abroad;" so as to read:

For special course of study and training of naval cadets abroad, as authorized by act of Congress approved August 5, 1882, \$5,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 505 to line 510 inclusive, as follows:

For commencing the erection of the new Naval Observatory on the site purchased under the act of Congress approved February 4, 1880, \$50,000: *Provided*, That the construction of no building shall be commenced except an observatory proper, with necessary offices for observers and computers.

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," in line 518, to increase the amount of appropriation "for pay of officers on the active list" from \$121,265 to \$181,265.

The amendment was agreed to.

The next amendment was, in line 523, to increase the amount of appropriation "for pay of officers on the retired-list of Marine Corps" from \$25,290 to \$31,290.

The amendment was agreed to.

The next amendment was, in lines 530 and 531, after the word "privates," to strike out "two hundred and fifty-five" and insert "three hundred and eighty-nine;" and in line 532, after the word "dollars," to strike out "and the further sum of \$200,000 of the surplus fund now standing to the credit of 'Pay of the Marine Corps' is hereby reappropriated and made available for that purpose during the fiscal year 1887;" so as to read:

For pay of non-commissioned officers, musicians, and privates: For one sergeant-major, one quartermaster-sergeant, one leader of the band, one drummer, fifty first sergeants, one hundred and forty sergeants, one hundred and eighty corporals, thirty musicians, ninety-six drummers and fifers, and one thousand five hundred privates, \$389,052.

The amendment was agreed to.

The next amendment was, in line 542, after the word "duty," to strike out "without troops" and insert "where there are no public quarters;" so as to make the clause read:

For pay of civil force, namely: For ten clerks and two messengers, \$16,035; payments to discharged soldiers for clothing undrawn, \$20,000; transportation of officers traveling under orders without troops, \$8,000; commutation of quarters for officers on duty where there are no public quarters, \$4,000; in all, \$48,035.

The amendment was agreed to.

The next amendment was, in line 555, after the words "repairing muskets," to strike out "and so forth;" so as to read:

For military stores, namely: For pay of one chief armorer, at \$3 per day; three mechanics, at \$2.50 each per day; purchase of military equipments, such as cartridge-boxes, bayonet-scabbards, haversacks, blanket-bags, canteens, musket-slings, swords, drums, bugles, flags, and spare parts for repairing muskets, \$5,000; purchase of ammunition, \$1,000; purchase and repair of instruments for band, and purchase of music and musical accessories, \$500; in all, \$9,786.50.

The amendment was agreed to.

The next amendment was, after the words "yellow fever," in lines 570 and 571, to strike out "(appropriation to be immediately available); so as to make the clause read:

For repairs of barracks at Portsmouth, N. H.; Boston, Mass.; Brooklyn, N. Y.; League Island, Pennsylvania; Annapolis, Md.; headquarters and navy-yards, Washington, D. C.; Gosport, Virginia; and Mare Island, California, \$9,000; for the erection of a building for marine barracks at navy-yard, Pensacola, Fla., to take the place of one destroyed on account of yellow-fever, \$2,000; placing tin roof on marine barracks and officers' quarters at Washington, D. C., \$1,200; rent of building used for manufacture of clothing, stowing supplies, and offices of assistant quartermasters, Philadelphia, Pa., and San Francisco, Cal., \$2,260; in all, \$14,460.

The amendment was agreed to.

The next amendment was, in line 599, after the word "knives," to insert "and;" and in the same line, after the word "forks," to strike out "and so forth;" so as to read:

Mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks.

The amendment was agreed to.

The next amendment was, in line 610, after the word "officers," to strike out "serving with troops;" in line 611, after the word "quarters," to strike out "belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them;" so as to make the clause read:

For hire of quarters for officers where there are no public quarters, \$4,500.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That all appropriations for the naval service and for the Marine Corps for the fiscal year 1886, and for previous years, not required for the service of such years, shall be covered into the Treasury, according to the provisions of sections 3690 and 3691 of the Revised Statutes.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I move that the Senate do now adjourn.

Mr. JONES, of Nevada. Mr. President—

Mr. HALE. I yield for papers to be put in.

#### AMENDMENT TO AN APPROPRIATION BILL.

Mr. JONES, of Nevada. The Committee to Audit and Control the Contingent Expenses of the Senate direct me to report an amendment intended to be proposed to the general deficiency appropriation bill, and move its reference to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment presented by the Senator from Nevada will be printed and referred to the Committee on Appropriations.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 17, 1886, at 11 o'clock a. m.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, July 16, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

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

#### CIVIL-SERVICE APPOINTMENTS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the secretary of the Civil Service Commission, in response to a resolution of the House calling for information as to the authority for appointments to positions in the civil service from the District of Columbia in excess of its proportion, and transmitting a list of employés appointed from the District of Columbia under the civil-service rules.

Mr. TAULBEE. I ask unanimous consent that the report be printed in the RECORD and referred to the Committee on Reform in the Civil Service.

There was no objection, and it was so ordered.

The report is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., July 14, 1886.

SIR: The United States Civil Service Commission has the honor to have certified to it the following resolution of the House of Representatives:

"Resolved, That the United States Civil Service Commission be, and is hereby, directed to inform this House by what authority twenty-three appointments to positions within the classified public service were made from the District of Columbia, when the proportion due to said District of Columbia was less than three for the year ending January 16, 1886."

To this resolution I am directed by the commission to reply that if the answer were confined to the resolution alone it would be stated that only two appointments, and not twenty-three, had been made from the District of Columbia upon certifications of the commission during the year ending January 16, 1886. But it is presumed by the commission that exact information upon the subject of the resolution was desired by the House of Representatives, and therefore there is herewith transmitted a full statement of all certifications for appointment from the District of Columbia made by the commission from the 16th day of July, 1883, when the civil-service act took effect, to the 16th day of January, 1886.

An examination of the tables furnished will show that these certifications were regularly made in pursuance of requisitions from the appointing power for persons examined for services of special and technical character, and sometimes needed for temporary work only. The eligibles for these certifications were obtained by special examinations for places in the departmental services at Washington, as provided for in the rules promulgated by the President, when technical and peculiar qualifications were needed.

The positions to be filled were specially stated in every requisition, and called for persons eligible and graded highest, whether from the District of Columbia or otherwise; and in all cases those graded highest were certified by the commission for appointment. The necessary apportionment upon these special matters was placed with the appointing power, and, as directed by the civil-service act, the apportionment was made "as nearly as the conditions of good administration would warrant."

The highest special and technical qualifications were not obtainable through apportionment alone, and therefore the highest graded were certified and selected without regard to locality, because "good administration" required it.

This undoubtedly was the view taken by the commission as organized when all but one of these certifications and appointments were made.

Very respectfully,

RO. D. GRAHAM, Secretary.

HON. JOHN G. CARLISLE,  
Speaker of the House of Representatives.

Apportionment of appointments to the Departments at Washington from the District of Columbia under the civil-service rules.

1. The civil-service act requires an apportionment of appointments to the Departments at Washington (which shall be made after its passage) to be made on the basis of population in the States, Territories, and the District of Columbia, respectively.

2. The whole number of appointments apportioned to the District of Columbia from July 16, 1883, to the 16th of January, 1886, is in fact twenty-six, but the commission had no control over the apportionments of four of them, which were made for the Pension Office. The apportionment of these four places was made under special rules Nos. 3 and 4.

Special rule No. 3 required a separate apportionment to be made of the one hundred and fifty places in the Pension Office, provided for by the act of July 7, 1884, except so far as they should be filled by promotions. After the promotions had been made only eighty-nine places were left to be apportioned. The apportionment of the eighty-nine appointments was made by the appointing power, the commission having no participation in the matter. Two of the eighty-nine places were filled from the District of Columbia, as follows: Marion Dorian, appointed July 14, 1884; Jared C. Nichols, appointed July 14, 1884.

Special rule No. 4 required a separate apportionment to be made of the one hundred and fifty places in the Pension Office provided for by the act of March 3, 1885, except so far as they should be filled by promotions or transfers. All these places, except sixty-eight, were filled by transfers and promotions. The apportionment under that special rule of the sixty-eight appointments was made by the appointing power, the commission having no participation in the matter. Two of the sixty-eight places were filled from the District of Columbia, as follows: Louis C. Walsh, appointed August 1, 1885; Joseph S. Vowles, appointed August 13, 1885.

[Extracts from the reports of the commission.]

The small excess secured by the District of Columbia was inevitable in the first stage of a new system mainly by reason of the need of securing well-trained experts in certain offices. (Third annual report, page 48.)

It is natural that at the seat of Government a large excess of applicants for the public service shall be found. Under the old system the District of Columbia supplied numbers of clerks greatly disproportioned to its population. The requirement by Congress that new appointments shall be apportioned to the States and Territories on a basis of population has diminished the chances of residents of Washington to secure Government places in the same ratio that it has increased the chances of those who reside elsewhere. (First annual report, page 24.)

Herewith is furnished a list of all those appointed from the District of Columbia to the classified departmental service, under the rules, from July 16, 1883, to January 16, 1886.

*List of all those appointed from the District of Columbia to the classified departmental service, under the rules, from July 16, 1883, to January 16, 1886.*

| Names.                               | Apportionment number. | Department.      | Salary. | Date appointed. | Kind of examination.                          | Remarks.  |
|--------------------------------------|-----------------------|------------------|---------|-----------------|---|---|
| James B. Peake.....                  | 1                     | Treasury.....    | \$900   | Oct. 3, 1883    | Limited .....                                 | Promoted, \$1,200, February 7, 1885.  |
| James R. O'Neale.....                | 2                     | .....do.....     | 900     | Oct. 6, 1883    | .....do.....                                  | These two appointments in excess resulted from an unanticipated selection of three from a single certification. |
| William H. Haynes.....               | 3                     | .....do.....     | 900     | Oct. 6, 1883    | .....do.....                                  | Non-competitive examination. Resigned August 27, 1884.  |
| John E. Weyss <sup>2</sup> .....     | 4                     | War.....         | 1,800   | Jan. 21, 1884   | Topographic draughtsman.....                  | Non-competitive.  |
| Helene Peterson.....                 | 5                     | Post-Office..... | 720     | Apr. 18, 1884   | Scandinavian languages.....                   | Resigned August 10, 1884.   |
| Charles H. Baker.....                | 6                     | Interior.....    | 1,000   | May 23, 1884    | Mechanical draughtsman.....                   | Dismissed May 15, 1885.   |
| Edward C. Stewart.....               | 7                     | State.....       |         | July 24, 1884   | Telegrapher.....                              | Promoted, \$900, September 1, 1885.   |
| Francis U. Stitt.....                | 8                     | War.....         | 1,400   | July 17, 1884   | Proof-reader.....                             | Dismissed February 21, 1885; reinstated August 10, 1885.  |
| C. E. Doolittle.....                 | 9                     | Interior.....    | 720     | July 30, 1884   | Assistant topographer, Geological Survey..... | Promoted, \$900, March 5, 1885.   |
| Felix Freyhold.....                  | 10                    | .....do.....     | 720     | July 28, 1884   | .....do.....                                  | Dismissed August 21, 1885.  |
| Robert H. Phillips.....              | 11                    | .....do.....     | 720     | July 28, 1884   | .....do.....                                  | Resigned August 10, 1884.   |
| T. R. K. Forrest <sup>†</sup> .....  | 12                    | .....do.....     | 1,200   | Aug. 21, 1884   | Pension examiner.....                         | Non-competitive.  |
| Joseph H. Keefer <sup>†</sup> .....  | 13                    | .....do.....     | 1,200   | Aug. 22, 1884   | .....do.....                                  | Resigned August 10, 1884.   |
| George B. Wright <sup>†</sup> .....  | 14                    | .....do.....     | 1,200   | Aug. 22, 1884   | .....do.....                                  | Non-competitive examination. Resigned August 27, 1884.  |
| James B. Albright <sup>†</sup> ..... | 15                    | .....do.....     | 1,200   | Aug. 22, 1884   | .....do.....                                  | Dismissed August 21, 1885.  |
| Antonio F. Madden.....               | 16                    | Post-Office..... | 720     | Aug. 30, 1884   | Scandinavian languages.....                   | Promoted, \$900, February 7, 1885.  |
| Lewis D. Wilson.....                 | 17                    | Interior.....    | 1,200   | Sept. 8, 1884   | Assistant examiners, Patent Office.....       | Died March 6, 1885.   |
| Anthony Janus.....                   | 18                    | .....do.....     | 1,200   | Oct. 2, 1884    | Assistant examiners, Patent Office.....       | Promoted fourth assistant examiner.   |
| Pauline Kilp.....                    | 19                    | .....do.....     | 900     | Oct. 18, 1884   | Topographer, Land Office.....                 |   |
| William H. Goines.....               | 20                    | .....do.....     | 900     | Jan. 1, 1884    | Type-writer.....                              |   |
| Minnie C. McGill.....                | 21                    | .....do.....     | 900     | Oct. 21, 1885   | .....do.....                                  |   |
| Alexander P. Shaw.....               | 22                    | .....do.....     | 900     | Dec. 1, 1885    | Examiner's clerk, Patent Office.....          |   |

<sup>2</sup> Discharged on completion of special work, January 31, 1885.

<sup>†</sup> Clerk of class 1, assigned to duty as an examiner of pension claims in the Pension Office.

#### SENATE BILL REFERRED.

The SPEAKER laid before the House the bill (S. 1839) for the relief of Richard C. Ridgway and others; which was read a first and second time.

Mr. SPRINGER. This bill, or rather a House bill in precisely the same language, has been reported favorably by the Committee on Claims of this Congress, and was also reported favorably by the Committee on Ways and Means on three different occasions. I believe the present Speaker of the House reported it favorably at one time. As the Committee on Claims have already reported a similar bill favorably and the Senate bill is in identical language with it, I see no reason why it should not be passed at once, and therefore I ask unanimous consent to put it upon its passage.

Mr. TAULBEE. Reserving the right to object, I ask that the bill be read.

The bill was read at length.

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

Mr. STONE, of Kentucky. I object.

Mr. KELLEY. I think if the gentleman will listen an instant he will withdraw his objection. This bill has been four times unanimously recommended, three times by the Committee on Ways and Means of the House, once by the present Speaker of the House, once by the gentleman from Alabama [Mr. HERBERT], and once by myself under instructions of the Committee on Ways and Means, and also by the Committee on Claims, from which it is now before the House under the new rule. It has also been recommended unanimously by the Committee on Claims of the Senate, and the gentleman from Illinois asks consent to substitute the Senate bill for the four times recommended bill of the House, which is in the same language. It has had five indorsements—

Mr. TAULBEE. Will the gentleman allow a question?

Mr. KELLEY. Certainly.

Mr. TAULBEE. Why is it that this is not a general law; or does this bill apply to all persons thus affected?

Mr. KELLEY. It applies to all persons thus affected and closes up that list of claims.

Mr. TAULBEE. I understand from the gentleman from Illinois that this relief has been recommended by the Commissioner of Internal Revenue.

Mr. KELLEY. Yes, sir; in each of the successive bills during the incumbency of the several Commissioners of Internal Revenue.

Mr. BUTTERWORTH. This is not a general law?

Mr. KELLEY. It is, in effect, because it covers every case that can arise.

Mr. BUTTERWORTH. Every case that has arisen.

The SPEAKER. The gentleman from Kentucky objects.

Mr. KELLEY. Does the gentleman persist in his objection?

Mr. STONE, of Kentucky. I do not like to be considered as an obstructionist, and I do not intend to appear contrary; but I am opposed

to giving precedence to any special character of claims. I belong to a committee that has been working since the session began with all the earnestness and vigor that was in it. We have bills of vast and vital importance on the Calendars, which we are unable by any sort of procedure to get before the House; and I do not intend, where my objection will prevent it, from this time forward, because we have been invariably and continually cut off from the consideration of claims—I do not intend as far as I am concerned that one class of claims shall have any precedence given to it over another. Let us consider all of them in their proper order.

Mr. KELLEY. But this is to remove an obstacle, not to create one. This is to substitute the Senate bill, which has been recommended and is in the same terms as the House bill. Its passage will remove an obstruction from the Calendar.

Mr. STONE, of Kentucky. Just so we have numbers of important bills upon the Calendar.

The SPEAKER. The gentleman from Kentucky objects.

The bill was referred to the Committee on Claims.

#### AMENDMENT OF A TITLE.

The SPEAKER. At the session of the House on yesterday evening the House passed a joint resolution (S. R. 40) entitled "A joint resolution providing for the payment of per diem laborers in Government employ on the 30th day of May of each year as on other days." The joint resolution was so amended as to strike out the "30th of May" and insert the words "Memorial or Decoration Day, and on the 4th of July." By an omission the title was not amended to conform to the amendments in the body of the resolution, and, if there be no objection, before the bill is transmitted to the Senate the Clerk will be directed to amend the title to correspond.

There was no objection, and it was so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. O'DONNELL, indefinitely, on account of sickness.

To Mr. OUTHWAITE, for three days, on account of important business.

To Mr. HEWITT, until Monday next, on account of sickness.

To Mr. THROCKMORTON, indefinitely, on account of sickness.

To Mr. MILLER, indefinitely, on account of sickness.

To Mr. SYMES, for one week, on account of ill health.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. NEGLEY, for one day, to attend to important business.

To Mr. ROBERTSON, of Kentucky, until Monday, on account of important business.

To Mr. GREEN, of North Carolina, for one week, on account of important business.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. COMPTON, by unanimous consent, leave was given to withdraw from the files of the House, without leaving copies, the papers in the case of Dennis W. Mullen.

## ORDER OF BUSINESS.

Mr. DUNN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9376) for a public building at Helena, Ark.

Mr. ZACH. TAYLOR. Let the bill be read.

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

The bill was read.

Mr. ZACH. TAYLOR. I object to the present consideration of the bill.

Mr. DAVIS. I ask unanimous consent to discharge the Committee of the Whole—

Mr. McMILLIN. Let us have the regular order.

Mr. MATSON. I rise to a privileged question.

The SPEAKER. There is a privileged question before the House. The Chair understands the gentleman from Kentucky to withdraw his objection to the consideration of the Senate bill (S. 1839) for the relief of Richard C. Ridgeway and others.

Mr. STONE, of Kentucky. On the representation of the gentleman from Pennsylvania [Mr. KELLEY], and at his personal request, I withdraw my objection.

Mr. HOLMAN. I think the bill should go to the proper committee.

Mr. KELLEY. It has been before the House committee and has been reported favorably, as I have stated.

Mr. HOLMAN. I did not understand it had been considered by a committee of the House this session. If that is the fact I ask that the report may be read.

The SPEAKER. The gentleman from Indiana withdraws his objection and asks for the reading of the report.

Mr. McMILLIN. I demand the regular order. I do so because my demand for the regular order has cut off other gentlemen, and I can not discriminate.

## LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The House resumes the consideration of the conference report on the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. Is the reading of the remainder of this conference report required? It has been printed in full in the RECORD.

Mr. TAULBEE. My recollection is the agreement was the report was to be printed in the RECORD and the further reading would be dispensed with.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] remarked that if it was printed in the RECORD he supposed the further reading would not be required; but that was not submitted to the House. The Chair is informed the original manuscript was sent to the Printing Office and has not yet been returned.

Mr. HOLMAN. I understood the further reading would not be required.

The SPEAKER. The question is on agreeing to the report of the conference committee.

Mr. HOLMAN. I will state to the House that with the exception of five, on which there is no agreement, all the amendments of the Senate have been disposed of, the House as usual having made the larger number of concessions.

Mr. REED, of Maine. Why has the House made the larger number of concessions? Is it wrong oftener than the Senate?

Mr. HOLMAN. The House has made the larger number of concessions, as is ordinarily the case, on this principle: That portion of the bill which the Senate inserts is the Senate part of it. It is that body's revision of the action of the House; and it will ordinarily occur that of the amendments made a larger number should be concurred in than refused by the House. That must be almost inevitable in this body of amendments.

The amendments on which there was no agreement to which I now wish to call the attention of the House are, in the first place, amendments numbered 2 and 17, appropriating \$23,232 for clerks of Senators. Those two amendments go together and constitute the amendment of the Senate appropriating \$23,232 for clerks for the Senators who are not chairmen of committees. Disagreement is reported on those amendments.

Senate amendments numbered 39, 40, and 41 are amendments providing for one clerk at \$1,600 and two clerks at \$900 each for the Civil Service Commission. The conferees of the two bodies have not been able to agree upon that.

Amendment numbered 88 is the amendment of the Senate increasing the amount of the appropriations for the internal-revenue service. The House Committee on Appropriations appropriated the sum of \$2,050,000 as the proper amount. The Committee of the Whole, its action being afterward sanctioned by the House, reduced that to \$1,900,000. The Senate has restored the original figures, \$2,050,000. Upon that the two Houses are not able to agree, the House conferees believing that inasmuch as the \$2,050,000 is about \$150,000 more than was expended in the last fiscal year, there is no necessity of appropriating so large a sum.

Mr. CABELL. The excess is \$201,000.

Mr. HOLMAN. My friend from Virginia states it would be \$201,000 of an excess above the expenditure of last year.

The next disagreement is on amendments 89 and 90, in which the Senate proposes an increase of \$500 in the salary of the office of the assistant treasurer at Baltimore. The House fixed that salary at \$4,000. The Senate proposes to increase it to \$4,500, and the conferees have not been able to agree. As to that item, I wish to state, however, to the House that there is an unpleasant discrimination in the salaries of these assistant treasurers. The salary of the assistant treasurer at Cincinnati was put by the House at \$4,500, and that was concurred in by the Senate. Cincinnati is the least important of all the subtreasuries, the transactions there amounting to but a little over \$40,000,000 per annum, while Baltimore does a business running up above \$53,000,000. And while the House conferees did not feel justified in receding from the disagreement on that item, I believe myself that if the Cincinnati salary remains, as it must remain, at \$4,500, it would be an invidious discrimination against Baltimore to fix the salary of the assistant treasurer there at \$4,000.

Mr. BLAND. What was done in the matter of the salary of the treasurer at Saint Louis, which is a larger subtreasury than that at Baltimore?

Mr. HOLMAN. The Senate amendment was concurred in.

Mr. BLANCHARD. What was done as to the salary of the treasurer at New Orleans?

Mr. HOLMAN. It was not changed.

Mr. BLANCHARD. That salary is left at \$4,000, and the subtreasury at New Orleans does \$15,000,000 more business per annum than the one at Cincinnati.

Mr. HOLMAN. That is true. The action of the House unhappily created an unjust discrimination between the salaries at these different subtreasuries; but most of them can not be corrected now, and the only question before the House is whether the salary of the assistant treasurer at Baltimore shall be made as high as that of the assistant treasurer at Cincinnati, Baltimore being the more important office of the two.

Mr. FINDLAY. Will the gentleman tell us the reason why the salary of the assistant treasurer at Baltimore was lowered from \$4,500 to \$4,000?

Mr. HOLMAN. That was done by the House. The House put it at \$4,000 and the Senate raised it to \$4,500.

Mr. FINDLAY. Why did not the House conferees agree to that change?

Mr. HOLMAN. I have already stated that that question is now submitted for the action of the House, and I have expressed my own opinion that there is an unjust discrimination made against Baltimore. The last amendments, Nos. 179 and 180, are the items inserted by the Senate for the collection of statistics in relation to marriage and divorce, \$10,000. The conferees were not able to agree as to those items. If any gentleman desires to make a motion in relation to the item providing for the salary of the assistant treasurer at Baltimore I will now yield for that purpose.

The SPEAKER. That motion can not be made at this time. As soon as the conference report is agreed to or disagreed to, such a motion will be in order.

Mr. HOLMAN. Then I move that the conference report be agreed to, and on that I call the previous question.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] demands the previous question upon the adoption of the conference report.

Mr. TOWNSHEND. Mr. Speaker, I suggest to the gentleman from Indiana that we take up in their order these amendments on which the two Houses disagree.

The SPEAKER. That can not be done while the conference report is pending. As soon as that is disposed of, then it will be in order for any gentleman to make a motion that the House recede from its disagreement to any particular amendment.

Mr. RANDALL. The House had better first adopt the report and then deal with these other matters.

The SPEAKER. That is the first thing to be done.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Will the adoption of the report interfere with action on the separate amendments?

The SPEAKER. Not at all. It will leave them undisposed of. The House may recede from its disagreement to any of those amendments and ask for a further conference.

Mr. BLANCHARD. Mr. Speaker, I desire to call the attention of the gentleman in charge of this bill to what I think is an omission in this report of the conference committee and in the explanatory statement accompanying it. I call his attention to amendments 200 to 209, inclusive, on page 98 of the bill. So far as I can discover they do not appear in this report or in the accompanying statement, and the report makes no mention of what was done with them in conference.

Mr. HOLMAN. They were concurred in by the House, and therefore they did not go into the conference. Mr. Speaker, I call the previous question on the adoption of the report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the report of the committee of conference.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If this report of the conference committee shall be agreed to, will that preclude a vote upon the separate amendments at a later stage of the proceedings?

The SPEAKER. It will conclude everything which the report settles; but as to those matters about which there is a disagreement they will not be concluded at all.

The conference report was agreed to.

Mr. HOLMAN 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.

Mr. HOLMAN. Mr. Speaker, I wish now to submit a motion, in general terms, that the House further insist upon its disagreement to the other Senate amendments.

Mr. TOWNSHEND. I object. Let them be taken up in their order.

The SPEAKER. They can not be taken up unless some motion is made about them.

Mr. HOLMAN. I move that the House insist upon its disagreement to the amendments of the Senate not included in the conference report and ask for a further conference, but I will withhold that motion if any gentleman desires to submit a motion in relation to any particular amendment.

The SPEAKER. The gentleman from Indiana moves that the House insist on its disagreement as to the remaining amendments and request a further conference. Pending that, it is in order for any gentleman who desires to do so to move that the House recede from its disagreement to any particular amendment.

Mr. FINDLAY. I move that the House recede from its disagreement to the amendment with reference to the salary of the subtreasurer at Baltimore, and agree to the sum named by the Senate, \$4,500. The amendments covering this matter are numbered 89 and 90. I do not propose to say anything on the question. I understand the gentleman in charge of the bill says that the original discrimination was an invidious one, and he is not prepared to stand by it.

The SPEAKER. The Clerk will read the amendments as to which the gentleman from Maryland [Mr. FINDLAY] moves that the House recede from its disagreement and agree to the same.

The Clerk read as follows:

Amendment 89: In line 25, page 34, after "thousand" where it first occurs, insert "five hundred;" so as to make the salary of the assistant treasurer at Baltimore \$4,500.

Amendment 90: In line 3, page 35, strike out "one" and insert "six;" so as to make the aggregate appropriation of the paragraph \$21,600.

Mr. FINDLAY. I move the previous question on my motion.

The previous question was ordered.

The motion of Mr. FINDLAY that the House recede from its disagreement to Senate amendments numbered 89 and 90 and agree to the same was adopted, there being ayes 115, noes 3.

Mr. TOWNSHEND. I move that the House recede from the disagreement to Senate amendment No. 88.

Mr. HOLMAN. I hope the House will not do that.

Mr. TOWNSHEND. I wish to make a statement.

The SPEAKER. The Clerk will first report the amendment so that the House may know what is pending.

The Clerk read as follows:

Amendment 88: On page 34, in lines 21 and 22, strike out "one million nine hundred" and in insert "two million and fifty," so as to appropriate \$2,050,000 for salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers and for miscellaneous expenses.

The SPEAKER. The gentleman from Illinois moves that the House recede from its disagreement to this amendment and agree to the same.

Mr. TOWNSHEND. Mr. Speaker, I am impelled to make this motion by a well-grounded belief that the amount which the House conferees insist upon is less than will probably be needed for a proper administration of the internal-revenue laws and for the protection of the Government from frauds in connection with the distillation of spirits and the manufacture of tobacco. The amount which the Senate insists upon is the sum which was originally recommended by the Committee on Appropriations and the sum which was appropriated for the last year. This amount, I am informed, may possibly be needed in the administration of the law for the coming year.

I have in my hand a communication addressed by the Commissioner of Internal Revenue to Senator ALLISON, chairman of the subcommittee on appropriations in the Senate, and, I believe, chairman of the committee. In this communication it is insisted that the amount contended for by the House conferees is \$63,000 less than was necessarily expended for this service in 1885. By strict economy, owing to the condition of business in the country, the Internal Revenue Bureau was enabled to expend a far less sum last year; but, as stated in this communication, the business of distillation of spirits and the manufacture of tobacco is fluctuating, and if the business should increase, as it now apparently will, the Commissioner of Internal Revenue insists the service will be crippled, and he will have at his command an insufficient sum to protect the revenue from frauds.

Mr. HISCOCK. Will the gentleman state to what branch of the service this money is to be devoted?

Mr. TOWNSHEND. I was about to state that. This appropriation is to cover salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, &c.

Mr. HISCOCK. Does this amendment contemplate any increase of force?

Mr. TOWNSHEND. It does not contemplate any increase, but simply the maintenance of the present force. But it is thought desirable that there should be a sufficient sum at the command of the bureau to allow an increase of force if the needs of the service should demand it.

Mr. HISCOCK. What I wish to know is whether the increase of this appropriation contemplates action on the part of the bureau looking to increasing the force.

Mr. TOWNSHEND. Not at all, unless the necessity arises.

Mr. HISCOCK. That is precisely the point on which I am asking information.

Mr. TOWNSHEND. As I understand, it does not contemplate any increase of force at present.

Mr. RANDALL. Then what is the necessity of increasing the appropriation?

Mr. CANNON. Allow me a moment. As I understand, this amendment does not propose to fix by law any increase of force, but is designed to allow an increase of gaugers and storekeepers if the necessities of the service should demand it.

Mr. HISCOCK. An increase over what year?

Mr. CANNON. As I understand, this amendment embraces the appropriation from which the gaugers and storekeepers are paid; and of course the amount to be paid to these officers will depend upon whether the amount of distillation shall increase or diminish. If the amount of distillation should increase, more gaugers and storekeepers will be needed.

Mr. HISCOCK. But what I want to get at is this: Does this increase the force over the last fiscal year or the previous year?

Mr. TOWNSHEND. Not at all.

Mr. HISCOCK. And also whether it contemplates an increased business over the previous years?

Mr. BRADY. This would give the Commissioner of Internal Revenue discretion to appoint extra gaugers, storekeepers, &c.

Mr. HISCOCK. But what I want to get at is, if you give this amount, can he increase these appointments beyond the service of the last year or the preceding year?

Mr. BRADY. The bill as it left the House increased the amount by \$150,000 over the amount expended last year.

Mr. HISCOCK. That is, then, he will have \$150,000 more to increase the force than he had last year if this Senate amendment is concurred in.

Mr. CABELL. That is true.

Mr. CANNON. Oh, no.

Mr. TOWNSHEND. I will explain to the gentleman from New York. The Senate amendment does not increase the appropriation for the current year a dollar. It simply gives that bureau the same amount that was given for the current year and the previous year. Now, some years it is found that more money is needed to protect the revenues from fraud than in other years.

No matter how large a sum is given the Treasury for this purpose, no more money will be expended than is actually needed for the service and an honest administration of the law for the protection of the revenue requires. The same amount was given last year, and yet, as I have already said, by a system of strict economy in the Internal Revenue Bureau it was enabled to leave a surplus of somewhere in the neighborhood of \$200,000. The same officials will probably be there this year as in the past year, and from my knowledge of the officers of that department I am convinced they are honest, and will be as honest in the expenditures they make this coming year as in the past.

It is a little remarkable that the gentleman from Indiana who in the last Congress under a different political administration was willing to allow the amount that was allowed to that department, yet has not sufficient confidence in the present administration to leave the same sum for the next year in its hands.

Mr. HOLMAN. Does not the gentleman know that we reduced the amount in the last Congress some \$200,000?

Mr. TOWNSHEND. And the service shows this: that the gentleman is contending for a sum which is just \$63,000 less than was expended in 1885.

If the gentleman should be able to succeed in this amendment he might cripple that bureau so that it would not be able to honestly administer the revenue laws and protect the Government from frauds that may be committed in the manufacture of tobacco and the distillation of spirits.

I have in my hand a communication addressed by the Commissioner of Internal Revenue to the chairman of the Committee on Appropriations of the Senate, and it will answer every inquiry addressed by the gentleman from New York, and in my judgment ought to convince every fair-minded man, who wants the revenue laws to be honestly administered, that we ought to accept this amendment of the Senate.

Mr. HOLMAN. Permit me to suggest to the gentleman that the conference committee on the part of the Senate will undoubtedly agree to the reduction of the amount.

Mr. TOWNSHEND. I ask that this communication be read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,  
Washington, June 21, 1886.

SIR: With regard to that portion of the legislative, &c., appropriation relating to internal revenue, to which you referred this morning, the bill as passed by the House and referred to the Senate committee (see page 44) provides "for salaries and expenses of agents, &c., \$1,900,000."

This is a reduction made on the floor of the House of \$150,000 from the amount as reported by the House Appropriations Committee, which was \$2,050,000. The amount which was recommended by the Secretary of the Treasury for this item was \$2,100,000.

The reduction from the amount reported by the committee was based chiefly upon a statement from this office, showing that the expenditures in that behalf for the year ending June 30, instant, were—

For the first three quarters of the same..... \$1,359,098  
And for the last quarter (estimated)..... 490,000

Total..... 1,849,098

The amount appropriated for the said year ending the 30th instant was \$2,100,000. While the amount thus expended during the present fiscal year has by economy been kept down to the sum of \$1,849,098 above stated, and while I propose to use my best endeavor to further economize during the coming year, as far as the true interests of the service will permit, yet it is desirable that the enforcement of the law should not be obstructed by a want of funds for that purpose; and as the moral effect upon those inclined to violate the law of a belief on their part that the office has been crippled by a failure to appropriate sufficient moneys to carry out its provisions is bad, I respectfully beg you to urge upon the Senate Committee on Appropriations the restoration in the above item of the sum of \$150,000 at least, thus making it the same sum reported by the House committee.

I desire to say further that the estimate of the Secretary of the Treasury was based upon the expenditure for the year ending June 30, 1885, which was \$1,963,527.41. You will see by this that the sum as appropriated by the House would fall short over \$63,000 should the expenses of the coming year be as great as for the fiscal year 1885.

The law compels the appointment and assignment of officers of the class of gaugers and storekeepers sufficient in number to enable the distillers to carry on their business in accordance with the provisions of law. The number of distilleries, especially of fruit brandies, and their production fluctuate considerably, and under the requirements of the law a deficiency would occur in case the coming year should bring a large increase of distillation, which is highly probable.

The encouragement of lawful distillation and the suppression of frauds against the internal revenue are sufficient reasons in my mind why the sum allowed in the above-mentioned item should not be limited to the amount appropriated by the bill as it passed the House.

Let me add, that if the bill taxing oleomargarine should pass, it would add an expense that would greatly enhance the necessity for a larger margin in this item.

Very respectfully,

JOS. S. MILLER, Commissioner.

CHAIRMAN COMMITTEE ON APPROPRIATIONS.

Mr. TOWNSHEND. I reserve the remainder of my time.

Mr. RANDALL. How is that, Mr. Speaker?

THE SPEAKER. The gentleman from Illinois is entitled to an hour in his own right, deducting the time he has occupied the floor. Of course that does not prevent the House, when a gentleman obtains the floor in his own right and submits the motion, from ordering the previous question.

Mr. CABELL. Mr. Speaker, I did not know the gentleman had all the time he claims, but it makes no difference. The gentleman has misapprehended this amendment and the necessities for it, and I beg the House, because this is a matter that involves \$150,000 of the people's money which is asked to be given to this bureau when there is not the slightest necessity for it, to attend closely to the facts involved in the case.

This question was discussed by the House when the legislative bill was before it; and after a full hearing of the matter and upon a full vote, with not more than a half-dozen votes against it, the provision was adopted by which we reduced the appropriation some \$150,000—and why? When the Appropriations Committee sent in its bill to the House it is true that they put the amount of money appropriated for "revenue agents, gaugers, &c., and miscellaneous purposes" at \$2,050,000. That was done in obedience to the estimates which had been sent to that committee. But the chairman of this committee, at the instance of a member on the other side of the House, sent to the Commissioner of Internal Revenue and asked him to say what had been his expenditures so far in the year and what would be the expenditures up to the 1st of July, 1886. He returned a letter giving the desired information; in other words, showing what had been the expenditures and what would be the expenditures for this service to the 1st day of July, 1886. I will read to the House an extract from that letter:

From the appropriation for salaries and expenses of agents and subordinate officers there was expended up to March 31, \$1,359,098, and it is estimated that the expenses for the quarter ending June 30 will be about \$49,000, making a total of \$1,849,098.

Now, that information came to the Appropriations Committee after the bill came into the House; and, when it did so, after consultation with other members of the committee I offered the amendment to strike off \$150,000 from the original recommendation of the committee so as to reduce the appropriation to \$1,900,000. After discussion the House with but few dissenting voices adopted that amendment. And the bill as amended went to the Senate. The Senate put back upon

the bill the \$2,050,000 which the Committee on Appropriations had originally reported to the House.

This was done, I take it for granted, principally upon statements contained in the letter which the gentleman has had read, which, I take it, is a letter to the committee of the Senate. As soon as the action of the House became known the Internal Revenue Bureau officers set to work to have the appropriation made as they had asked it, and their operations, as a matter of course, were directed to the Senate. And the Senate, as I have said, put on that \$150,000 which the House had stricken out.

I beg here to call the attention of the House to the fact that when we strike off that \$150,000 which the Senate has added we have still left as a margin \$51,000 more than was expended last year.

The gentleman from Illinois made, as I think, a disingenuous statement when he undertook to say that we appropriated less money than had ever been appropriated and less than had ever been expended. At the very time this House adopted that amendment we had the statement from the Commissioner of Internal Revenue that he had expended but \$1,849,000, and we appropriated \$1,900,000, thus giving him the sum of \$51,000 more than he had expended, and more than he could reasonably suppose that he would be called upon to expend. There is absolutely nothing in the idea of the gentleman from Illinois that the failure to appropriate all the money asked for revenue agents, &c., will encourage lawbreakers to the perpetration of crime, or weaken the ability of the Department to employ all the officers needed for its operations or to repress all violations of the law.

Now, I will state, as one of the conferees on the part of the House, that we might have been willing and would have been willing rather than come back to the House with a disagreement to yield \$40,000 or \$50,000 to the Senate upon their requirement. We did not want to come back here with a disagreement. I was willing for myself to yield \$50,000, but no more; so that there would have been appropriated \$101,000 more than was expended last year, according to the statement of the Commissioner.

But the Senate committee would not yield—it was with them all, or nothing; so we disagreed.

The House surely could not have desired us to act otherwise than as we did. We can not understand why the Senate should want to give more, or why the Commissioner of Internal Revenue should want more than we offered. What does the Commissioner want with more money than \$1,900,000? How can this House with any propriety give him for the ensuing year a sum greater by \$100,000 than he expended this year?

I ask you, gentlemen of the House, to sustain this disagreement on the part of the House conferees and let this matter go back to conference. It will not do to thus give up the people's money without a struggle. I do not think there is a gentleman upon this floor, either Democrat or Republican, who can go before his constituents and with a clear conscience answer to them and show a reason why there should be turned over to any officer of the Government \$201,000 in excess of what he had expended in the last fiscal year for the conduct of his Department.

The gentleman from Illinois stated that there was no reason why the appropriation recommended by the Senate should be cut down. Why, sir, the Commissioner of Internal Revenue—the very Commissioner who is seeking this immoderate sum, and against whom I make no aspersions, because I regard him with great favor though he is mistaken in this matter—this Commissioner says in this report that since the incoming of his administration he has discharged nine hundred and twenty-six officials. The gentleman from Illinois instead of reciting the expenditures last fiscal year, just passed, recited the expenditures under the Republican administration, the expenditures of the fiscal year 1884-'85. And what were those expenditures?

Those expenditures were in round numbers \$1,963,000. But now comes the gentleman from Illinois [Mr. TOWNSHEND] applauding in one breath the Commissioner of Internal Revenue for his retrenchment and saving economy, and in the other demanding more money than was expended during Republican rule, and, worse than all, the Commissioner, while claiming credit for cutting down expenses and lopping off the heads of hundreds of officials, demands with emphasis that he shall be allowed more money by \$200,000 than he expended last year, more than his Republican predecessor expended the year before that, and within a fraction of the large sum appropriated when the dismissed officials were in place under his predecessor and himself.

Mr. REED, of Maine. What is he to do when he reappoints these nine hundred and twenty-six men?

Mr. CABELL. He ought not to reappoint them. He was honest about this matter of reform. He did right, no doubt.

Mr. REED, of Maine. If not, perhaps the object of discharging them would not be accomplished.

Mr. HOLMAN. He can not appoint them under the law.

Mr. CABELL. I will say to the gentleman from Maine I am not undertaking to make a political harangue in discussing a question of this character.

Mr. REED, of Maine. I want to know why these men were discharged?

Mr. CABELL. I suppose there was no use for them. I suppose

they had been fraudulently—I will not say fraudulently, but I will say improperly, billeted on the Government, and if the Commissioner and those above him were acting honestly, as I presume they were, those men were discharged from proper motives and should not have been allowed to remain an incubus and a load upon the Government. But if they are properly discharged they are not wanted now and do not require to be paid now. Since they have been discharged, however, we do not need to appropriate money as if they had been kept in service.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. CABELL. Yes, sir.

Mr. TOWNSHEND. Suppose that by the establishment of new distilleries the business should increase?

Mr. RANDALL. Well, we will be here in December.

Mr. TOWNSHEND. Suppose that new distilleries are established, do you propose to leave those distilleries without gaugers?

Mr. CABELL. No, sir; there will be plenty of gaugers, never fear.

Mr. TOWNSHEND. The object of having a sufficient fund placed at the command of the Commissioner is that he may meet whatever exigency may arise in the business.

Mr. CABELL. Certainly; and when you give him more than he expended last year he will be well equipped for any exigency.

Mr. RANDALL. What reason is there to think that there will be more this year than last year?

Mr. TOWNSHEND. He will not appoint one single officer unless the protection of the revenue demands it.

Mr. CABELL. I thought the gentleman merely desired to ask me a question. I trust the gentleman will not inject his speech into mine.

Mr. BUTTERWORTH. What does the Commissioner want this money for?

Mr. CABELL. I have not the remotest idea. I only know that there has been a margin of \$51,000 allowed to him by the vote of the House, and I think that is quite enough. I do not know what this money is wanted for. I can not conceive why more money is needed for next year than for last year.

Mr. BUTTERWORTH. Does the Commissioner give any reason?

Mr. CABELL. None on earth, except the reason suggested by my friend and colleague on the committee [Mr. TOWNSHEND], that "perhaps" the money may be wanted. Now, if you are going to bring "maybes" into this question, and if "perhaps" more money will be wanted, then I say "perhaps" not more than \$51,000 in excess of what was spent last year can by possibility be wanted.

Mr. LONG. Should not we on this side of the House be justified in inferring that, the Commissioner having discharged nine hundred and twenty-six Republican officials, the money is wanted for the purpose of appointing nine hundred and twenty-six Democratic officials in their places?

Mr. CABELL. No, sir; I do not think that at all. I have no reason to know that they were all Republicans. My own opinion is that the discharges were made in good faith, and that the Commissioner has attempted to act honestly and for the good of the service. In justice, I ought perhaps to say that some of those officials who were discharged were not paid except by the owners of the distilleries, and when upon duty, but some of them were paid by the Government, and enough of them were so paid to justify us in claiming to have made a saving by these discharges.

Mr. LONG. But you say you do not know of any other reason for asking this money.

Mr. CABELL. I do not know of any reason except that the Commissioner thinks that perhaps in the course of the business of his bureau he may want to appoint some additional officials to attend to necessary duties, and that circumstances may arise which may involve expenses not now anticipated.

I think there ought to be a margin allowed for that, but we have already provided a margin of \$51,000, and if this House goes beyond that and undertakes to put in this \$150,000 I want the members to understand what they are doing; if they agree to what the Senate demands they will be appropriating \$201,000 more than was expended last year. Now, gentlemen, are you going to do it?

Mr. HOLMAN. With the permission of the gentleman from Virginia [Mr. CABELL] I will answer the question put by the gentleman from Massachusetts [Mr. LONG]. Can what he suggests be done, in view of the law? In other words, can his apprehension be realized that the dismissal of nine hundred and odd employés will result in the appointment of an equal number of new men during the present year? For three years this has been the law, and it has been included in every successive bill:

*Provided*, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased nor shall the salaries of said officers or employés be increased beyond the salaries paid during the last fiscal year.

Now, under that provision of law, which, as I have said, has been included in each successive bill for several years, how can there be an increase either in the number of employés or in their salaries?

Mr. LONG. I did not say there would be.

Mr. TOWNSHEND. Does not the gentleman from Virginia know

that the number of gaugers is not limited by law, and that if the business increases there is an absolute necessity for an increased number of gaugers? The law that he has read refers only to the special agents.

Mr. HOLMAN. The gentleman evidently did not hear the law which I read. It says: "Provided that the number of deputy collectors, gaugers, storekeepers, or clerks" shall not be increased.

Mr. TOWNSHEND. But must not the number of gaugers be increased if the business increases?

Mr. HOLMAN. Does not the law expressly prohibit an increase above the number employed last year?

Mr. TOWNSHEND. The law does not limit the number of storekeepers or gaugers, but—

Mr. CABELL. Now, I trust my friend will allow me to resume the floor. I do not occupy it very often. Mr. Speaker, the gentleman from Massachusetts [Mr. LONG], who is usually a very fair man, has asked me as to the necessity which existed for the discharge of these men who have been discharged. I have no doubt, I repeat, that the Commissioner of Internal Revenue acted fairly, honorably, and honestly in this matter, for I believe he is a good official and a worthy man.

Whatever mistakes he may have made, I do not think he is such a partisan or so badly disposed that he will discharge men from the Government service when it is not necessary. He is, however, greatly in error when he asks to have this amount of money appropriated. There can be no reasonable purpose in having this sum laid up to his order. The only reason assigned is to provide against contingencies, the happening of which he has no right to anticipate; and certainly this House has no right to appropriate to meet such contingencies when we have not the remotest idea that the contingencies can or will happen.

Even if the contingencies apprehended should occur, there will be no special activity in the distilling business until the fall of the year; it is at that time, if at all, when additional gaugers and storekeepers will be needed. We will come here again next winter. If the appropriation now made should by that time prove deficient, if it should appear that we have imposed too narrow a limitation, have failed to appropriate the full amount required, we can then pass an appropriation to remedy the deficiency.

Mr. SKINNER. Does not the history of the internal-revenue system show it to be a fact that as many gaugers and storekeepers are dropped as are appointed, that as many distilleries are daily going out of existence as daily come into existence?

Mr. CABELL. That is my information, and I believe it to be true.

Now, I think every gentleman in this House understands this matter. It is a plain, simple proposition. The Commissioner of Internal Revenue shows that for this work he expended last year in round numbers \$1,849,000. We agree to appropriate \$1,900,000, being \$51,000 more than he expended during the last year. It seems to me this should be sufficient. The Republican administration expended \$1,963,000; but since that time nine hundred officials, many of whom were paid by the Government, have been dispensed with.

We all realize the objection to these indefinite appropriations. In other words, we have judged it wise not to make appropriations in the dark. Now, there are only four classes of officials to be paid under this appropriation—agents, storekeepers, gaugers, and inspectors; the rest of the money is for miscellaneous purposes. What guide have you in the appropriations you make except the previous expenditures?

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

Mr. CABELL. Certainly.

Mr. DIBBLE. Is not this appropriation \$50,000 less than the appropriation for the last fiscal year?

Mr. CABELL. Yes, sir.

Mr. RANDALL. But it is \$51,000 more than was expended last year.

Mr. TOWNSHEND. And \$63,000 less than was expended the year before.

Mr. DIBBLE. If on an appropriation of \$2,100,000 for the last year there has been a saving of \$150,000, why not now leave a margin, as we did before? The experience of the last year has shown that the Commissioner of Internal Revenue can be trusted to curtail expenditures; and the appropriation proposed by the Senate amendment allows only a reasonable margin, being \$50,000 less than the appropriation for last year.

Mr. CABELL. The actual expenditure, as the gentleman himself states, has during the last year been \$150,000 less than the amount appropriated. That very fact shows that it is not necessary to make so large an appropriation as we made last year. We propose to allow the Commissioner a margin of \$51,000, which is as much margin as ought to be allowed any public officer, I do not care who he is. If the Angel Gabriel himself should come down here and be placed at the head of a Department, I would not turn over to him hundreds of thousands of dollars from the Treasury of the people to be administered at his discretion, when it is the duty of the House of Representatives to see to it that all necessary money, and no more, is appropriated. When my friend from South Carolina goes home to his constituents and they ask him, "How have you administered the public moneys; to whose hands have you intrusted them?" will he not desire to say, "I intrusted the officials of the Government with only the sums necessary to carry on the operations of the Government, and no more?"

Mr. DIBBLE. My friend will allow me to say that this is only a

question of judgment as to what is a reasonable margin. During the last year this bureau got along very well with \$150,000 less than was appropriated. There was no extravagance of expenditure. Why should we fear to allow this year a smaller and certainly only a reasonable margin?

Mr. CABELL. There is no reason why the Commissioner of Internal Revenue can not during the coming year get along with the amount which he expended during the past year.

I now yield three minutes to my friend from Illinois [Mr. CANNON], and reserve the remainder of my time.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House I can say all I want to say in three minutes' time.

I regard it as of but little importance whether this appropriation remains as the House fixed it, or the Senate shall insist and the House shall recede. The truth is it is for the payment of gaugers and storekeepers, a service provided by law, and which can not be affected by the appropriation. If you do not appropriate enough of money, then the law says they shall be employed anyhow; and they will have to wait for their money to the end of the year. If you were to appropriate twice as much, there could not be a dollar of it spent except for the payment of gaugers and storekeepers provided under the law. No Commissioner of Internal Revenue can under the appropriation, with or without it, increase or decrease one gauger or storekeeper over what is required.

So the gentleman from Virginia [Mr. CABELL] is right enough that if we do not appropriate enough they will come in here for a deficiency.

The truth is, Mr. Speaker, the House recommends \$50,000 more than was spent last year, and \$63,000 less than was spent the year before. It may be \$50,000 more will be spent this year, or it may be \$150,000 less. It all depends on the number of distilleries and fruit-stills and the number of gaugers and storekeepers who may be found to be necessary. Having said this much, I do not care, except to close up the bill, what action the House takes, for in my opinion it is not of the slightest importance what disposition is made of it.

Mr. REED, of Maine. It is the usual discussion, then, of the difference between the appropriation bill and the deficiency bill.

Mr. CANNON. Precisely.

Mr. TOWNSHEND. Let me inquire of the gentleman from Illinois whether it is not better when we have it within our power to prevent laying the foundation for a deficiency bill, and especially when it might so easily be guarded against?

Mr. RANDALL. Mr. Speaker, the adoption by the House of the motion of the gentleman from Illinois [Mr. TOWNSHEND] is without excuse if we are to rely on the information in possession of the House. Its adoption would give in this appropriation bill more money than either the House or Senate considers necessary. It would give about \$200,000 more than was expended for the same service last year by the very officer who is likely to expend it during the current year.

Why anybody on either side of this House should want unnecessarily to add \$200,000 to the aggregate of this year's appropriations I am at a loss to conceive. The committee in the first instance gave what was asked, but on fuller information from the Commissioner of Internal Revenue the amount was reduced in this House \$150,000. We have been further advised that while the Senate increased the amount to the original estimate, yet that body is now ready to make a reduction. But the motion of the gentleman from Illinois will estop the Senate and the House from placing the amount where, by the concurrent proceedings of the two Houses, it ought to be placed.

Mr. DIBBLE. What was the estimate the Department made for this service?

Mr. RANDALL. If I remember rightly the estimate was \$2,100,000 for the current year.

Mr. TOWNSHEND. Fifty thousand dollars more than the Senate provided.

Mr. RANDALL. When we come to take these estimates they are not always reliable.

Mr. TOWNSHEND. Is not the Secretary of the Treasury reliable, in his judgment?

Mr. RANDALL. I am not to be diverted.

Mr. TOWNSHEND. Let me ask my friend from Pennsylvania whether the officer who administers the law with his experience is not better qualified than the gentleman from Pennsylvania to form a judgment in the matter?

Mr. RANDALL. I answer that the Secretary of the Treasury estimated for last year \$2,300,000. The law reduced it \$200,000, and it appears there was expended about \$150,000 less than the law gave.

Mr. TOWNSHEND. That was by a different Secretary of the Treasury.

Mr. RANDALL. I am not discussing distinctions of party as to Secretaries of the Treasury. We do not follow the estimates in every case, and yet the Government goes along while the expenditures are found far below the appropriations.

Mr. TOWNSHEND. Did my friend from Pennsylvania listen to the communication which was read?

Mr. RANDALL. Yes; I have heard both sides and both letters.

Mr. TOWNSHEND. That communication differs radically from the gentleman as to what is required by the service.

Mr. RANDALL. I think I am as well informed by experience of twenty years as the Commissioner with a few months' service.

Mr. HISCOCK. I understand the gentleman to say he is willing to stand here upon the position there will be no deficiency.

Mr. RANDALL. In this bill?

Mr. HISCOCK. Yes, sir.

Mr. RANDALL. I say that the law prevents a deficiency.

Mr. HISCOCK. Oh, I know what the law prevents, or attempts to prevent—

Mr. TOWNSHEND. Suppose new distilleries are created and the business increases?

Mr. RANDALL. The gentleman must not allow his imagination to mislead him. He may conjecture that new distilleries will be established, but the past history shows that the business of manufacturing and consumption go hand in hand together. In point of fact there is not a great deal more whisky produced than is sold. I have no apprehension from that source.

Mr. HISCOCK. The gentleman from Pennsylvania and myself differ as to the law preventing a deficiency.

Mr. RANDALL. It prevents it so far as language can be employed to accomplish such a purpose.

Mr. HISCOCK. But you have nothing in the law prohibiting the Commissioner of Internal Revenue from spending all of this money in nine months if he wants to. I suppose the gentleman will not dispute that; nor can you put anything in the law which would prevent it.

Mr. RANDALL. Well—

Mr. HISCOCK. Wait a moment. Now let me come to the other question: Are you willing to advise the House that you will not come in here at the next session and ask a deficiency for this service?

Mr. RANDALL. I never commit myself to the acts of another.

Mr. HISCOCK. Well, give us your own opinion.

Mr. RANDALL. I will say, however, that judging by the expenditures of the last year, when the amount was about \$50,000 less than is fixed by the House in this bill, I believe said sum will be adequate.

Mr. HISCOCK. Then, in your opinion, this claim for an increase on the part of the present Commissioner of Internal Revenue is to create unnecessary gaugers and storekeepers.

Mr. RANDALL. No, I do not say that; but I do distinctly say that this request of the Commissioner of Internal Revenue to have about \$200,000 more than he expended last year for like service, when the law prevents an increase of pay to these employés—

Mr. HISCOCK. No, he has not the power to increase the pay; but you know he has the power to increase the number of gaugers.

Mr. RANDALL. Or an increase of expenditures therefor, is absolutely unjustifiable.

Mr. HISCOCK. It may be unjustifiable, but it is not illegal. He may employ gaugers and storekeepers to any number he pleases.

Mr. RANDALL. I say more; that I do not think he places the administration under which he holds office in a right attitude when he seeks to get more money for the coming year than he expended last year. [Applause on the Democratic side.] And further I say to the House that he ought not to have the opportunity of expending more money than he employed last year. If there should be an excess of expenditure over appropriation, and such contingency arises, then—

Mr. TOWNSHEND. What?

Mr. RANDALL. Then I will be ready to meet it in some way. But why any one on either side of the House should want to give more money than is shown to be necessary for the collection of the internal revenue I am at a loss to know, in view of the fact that this very officer with this \$50,000 less than you propose to give him for the current year collected an increased amount of revenue from these same sources over the prior year.

Mr. REID, of North Carolina. With \$200,000 less of expenditures.

Mr. HISCOCK. I intend to vote with you upon the strength of your recommendations and assurances; and all I have said on my part has been simply for the purpose of getting your assurance and recommendation.

Mr. RANDALL. I do not give any assurance. I give nothing except the deductions from the facts of the situation.

Mr. HISCOCK. Then upon your statement of facts before the House I propose to stand by you for one.

Mr. RANDALL. Now, Mr. Speaker, I have promised to yield to the gentleman from Indiana, who desires a vote.

Mr. TOWNSHEND. I hope the gentleman from Indiana will not deprive the House of an opportunity to reply to the reflections upon the department.

Mr. HOLMAN. I think in all fairness to the gentleman from Illinois that he should be permitted to have some time. How much does the gentleman desire?

Mr. TOWNSHEND. Well, I have reserved my own time, but only desire a few moments and will take it now.

Mr. HOLMAN. How much time?

Mr. TOWNSHEND. I do not think the gentleman ought to limit me, but I think five minutes will be sufficient.

Mr. HOLMAN. Very well.

Mr. TOWNSHEND. Now, Mr. Speaker, I have discharged my duty

in bringing to the knowledge of this House the statement and assurances of the Treasury officials in regard to what they believe may probably be the needs of the service. That is all I have desired to do. It is a matter of no personal interest to me any more than it is to every other honest tax-payer in the land. I have not a single distillery in my district. I have no manufacture of tobacco in my district. My people are consumers to a very moderate extent of both articles. They manufacture neither. But what I say is this: When the chief of the bureau positively asserts, as he has asserted in this communication, that this reduction of the amount of money that has been asked for may result in serious detriment to that service, I think we ought to have confidence in his integrity and veracity and give consideration to his recommendations.

The Commissioner has stated in that communication that the effect of the reduction of this appropriation will be to encourage those who are inclined to commit frauds in the distillation of spirits and in the manufacture of tobacco. I am impressed with the belief that there is much in his assertion. The other day when the gentleman from Pennsylvania supported an amendment here striking from the sundry civil bill the fraud fund which it is asserted at the Department is absolutely necessary to protect the Government from the frauds committed by moonshiners and others who have been defrauding the revenue, when certain gentlemen on this floor wanted to strike out that appropriation, it struck me then it was an insidious attempt to break down the internal-revenue tax to which many are opposed; and I resisted that effort then as I resist now the effort to cut down the appropriation to that bureau to an extent which may seriously cripple the efficiency of that service. I will state of this officer that if you put in his hands \$5,000,000, I would trust him for an economical expenditure of that money.

This is a sum less than we intrusted to officers of a former administration. Why should we not give our own officials the same degree of confidence as we did the others? I do not want a single dollar more expended than may be needed for an economical administration of the Government. But these officers who are controlling the affairs of this Government must not be crippled in their efforts to administer the Government efficiently. And I believe that the assertion of the Commissioner of Internal Revenue may come true, that if you reduce this sum down to a point where there is danger of crippling the efficiency of the service you encourage those who are inclined to do so to commit frauds on the revenue. That is all I have to say.

Mr. HOLMAN. Does the gentleman from Missouri [Mr. CABELL] wish more time?

Mr. CABELL. I do not wish to occupy more time. I have not heard anything to which I think it necessary to reply.

Mr. HOLMAN. I wish to say to the gentleman from Illinois [Mr. TOWNSHEND] there is really no trouble about this matter. Every dollar required to carry on this important bureau of the Government will be appropriated. There is no material difference of opinion as to this matter between the conferees on the part of the two Houses. I feel authorized to say the Senate conferees do not regard it as absolutely necessary that the whole sum named shall be appropriated. The proper concessions will be made and the amount appropriated will be, at least in the judgment of the conferees, ample for the purpose. There is not the slightest occasion for any comment as to the management of this office; for I think we all agree that the present Commissioner of Internal Revenue has proved himself a very competent and efficient public officer, and that he has managed the affairs of that office exceedingly well. He reduced the expenses last year as compared with the preceding year over \$115,000.

Mr. SPRINGER. More than that. Here is the report of the Treasurer showing a reduction of \$829,000.

Mr. HOLMAN. The expenditures in this branch of the service which we are now discussing were in the previous year \$1,963,527.

Mr. TOWNSHEND. He has reduced the expenses in another direction.

Mr. HOLMAN. I am speaking of one item.

Mr. SPRINGER. The figures I cited apply to the whole service.

Mr. HOLMAN. There is a heavy reduction in the expenses of the bureau. For this item the expenditures last year were \$1,849,098, showing a difference of \$114,429.

Mr. REID, of North Carolina. I have a statement from the Department showing a reduction of expenses of \$200,000 in the Internal Revenue Bureau.

Mr. HOLMAN. I am speaking of this one item alone.

Now, Mr. Speaker, I wish to put on record as a portion of my remarks a statement showing the appropriations for this service for a series of years, and I wish to call the attention of the House to the fact that in the first session of the Forty-fourth Congress the appropriation for this branch of the service was \$1,475,000. The amount gradually ran up.

The following is the statement referred to by Mr. HOLMAN:

*Appropriations for salaries of storekeepers, gaugers, &c., of internal revenue.*

|      |             |
|------|-------------|
| 1886 | \$2,100,000 |
| 1885 | 2,300,000   |
| 1884 | 2,300,000   |
| 1883 | 2,300,000   |

|      |           |
|------|-----------|
| 1882 | 2,100,000 |
| 1881 | 1,700,000 |
| 1880 | 1,500,000 |
| 1879 | 1,500,000 |
| 1878 | 1,900,000 |
| 1877 | 1,475,000 |
| 1876 | 2,300,000 |

Mr. SPRINGER. I ask the gentleman to yield to me to state this fact: I have before me a statement from the Treasurer of the United States, showing the entire reduction in the internal-revenue department. It shows that during the last fiscal year the decrease of expenditures in the collection of internal revenue, as compared with the year 1885, was \$829,361.32.

Mr. HOLMAN. I now call the previous question.

Mr. RANDALL. What is the pending question?

The SPEAKER. The Chair will state it. The gentleman from Illinois [Mr. TOWNSHEND] moves that the House recede from its disagreement to the Senate amendment which has been read, and agree to the same.

Mr. RANDALL. I ask a division on that, so that the conferees may know the numerical vote of the House on that question.

The previous question was ordered.

The question being taken on Mr. TOWNSHEND's motion, there were—  
ayes 5, noes 125.

Mr. TOWNSHEND. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. HOLMAN].

Mr. TOWNSHEND. As this division is entirely useless, I will not insist on a quorum.

So (further count not being called for) the motion was not agreed to.

Mr. WEAVER, of Iowa. I move that the House recede from its disagreement to the amendment of the Senate numbered 179 and agree to the same; and in regard to that I desire to make a brief statement, not to occupy over a minute.

The Clerk read Senate amendment 179, as follows:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, \$10,000.

Mr. WEAVER, of Iowa. Mr. Speaker, I simply wish to say that, in my judgment, this is enlightened legislation, and the duty of making this examination is very properly assigned to the Commissioner of Labor, because the industrial condition of the country does affect the family, and we want to know whether this country is traveling in the direction of France, which has increased in population only 1 per cent. in thirty-six years. We want to know whether there are influences at work which are carrying this Republic in the same direction; and I think, as I have already said, that these amendments put upon the bill by the Senate are enlightened legislation and do the Senate much honor. I also wish to call attention to the fact that upon a yea-and-nay vote in the House the motion to concur received 108 or 110 votes. I hope that the House will recede and agree to this amendment.

Mr. HOLMAN. Mr. Speaker, I rise only to call the previous question on the motion, and to say that I do not think there will be any very serious trouble in coming to some agreement about this item.

The question was taken on ordering the previous question upon the motion that the House recede from its disagreement to the amendment and agree to the same; and there were—ayes 51, noes 74.

Mr. WEAVER, of Iowa. I ask for tellers.

Mr. DINGLEY. I suggest to the gentleman from Iowa that he had better not press that demand, the gentleman from Indiana having assured us that an agreement can probably be reached upon this item in conference.

Mr. WEAVER, of Iowa. Very well; I do not press the demand for tellers.

Mr. CANNON. Mr. Speaker, I move that the House recede from its disagreements to the amendments numbered 39 and 40.

The amendments were read, as follows:

Amendment numbered 39: Page 15, line 7, after "dollars," insert "one clerk of class 3."

Amendment numbered 40: Page 15, line 7, after "one" where it occurs the third time in said line insert "two clerks at \$900."

Mr. CANNON. A single word, Mr. Speaker, about these amendments. This one clerk at \$1,600 and these two clerks at \$900 have been put into the bill by the Senate for the Civil Service Commission. A communication from that commission to the Senate committee, which is embodied in the report upon this subject, states:

The clerical force of the commission now consists, besides the secretary and stenographer, of one clerk of class 2 and one clerk of class 1. The appropriation bill just passed by the House provides for the same force for the coming year. It is utterly inadequate, being barely sufficient (with the help of the messenger, who is an expert type-writer, and the laborer, who is constantly employed on clerical work), for the dispatch of absolutely current work, leaving the important records and tabulations which should be kept up to date untouched. It is therefore recommended that to the present force there be added one clerk of class 3 and two clerks at \$1,000.

The Senate amends that suggestion by providing for one clerk of class 3 and two clerks at \$900. I have read the statement of the Civil Service Commission. Let me say, in addition, that I am not here to fight the battle of this Civil Service Commission, but, as long as the law re-

mains upon the statute-book and you keep the Civil Service Commission, for one I am willing to give them the force that is necessary, and that without reference to whether the commission performed its duty or not. To be perfectly honest and frank about it, I am inclined to think that whether you give this force or whether you do not give it, the duty of that commission in enforcing the law in good faith will be neglected; yet while the law remains on the statute-book and the commission remains in existence I, as a member on the minority side of this House, do not propose to furnish you, or your administration, or your commission any excuse for not performing its duty.

Having said this much and made this motion to concur, so far as I am concerned I am ready to vote.

Mr. SPRINGER. Mr. Speaker, I think, in view of the fact that the Civil Service Commission have sent a communication to the Senate stating that they need this additional force for the proper discharge of their duties, the House ought in all fairness to agree to this additional allowance. I hope that will be done even without a division, in order that this arm of the public service may be enabled to go on and perform its functions as the law requires it to do. I hope there will be no objection.

Mr. HOLMAN. Mr. Speaker, before calling the previous question I simply wish to add that the objection to these items is that when we once organize a bureau its tendency always is to extend and increase the number of its employés and enlarge its expenditures. These bureaus seem to grow steadily and remorselessly, without any possibility of their being restricted unless by the positive action of Congress. The tendency is to magnify every public employment, to magnify the duties of every office, and I think that especially in the early history of a Government bureau there ought to be great hesitation in yielding to its demands for increased force and larger expenditure. It is for that reason the conferees on the part of the House did not yield this point.

Mr. SPRINGER. I concede the force of the gentleman's argument, but the country is growing, and I think these Departments must grow with the growth of the country.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. CANNON that the House recede from its disagreements to Senate amendments 39 and 40 and agree to the same, there were—ayes 67, nays 77.

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

Mr. SPRINGER. Oh, no; let us have tellers.

The yeas and nays were ordered.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. Is this a motion to concur in the amendment of the Senate allowing additional clerks?

The SPEAKER. The Senate adopted two amendments allowing three additional clerks to the Civil Service Commissioners. The House disagreed to those amendments. The gentleman from Illinois now moves that the House recede from its disagreement and agree to the amendments. The question is on that motion.

Mr. BRAGG. I desire to make an inquiry—I do not know whether it is a parliamentary question or not; it may be something of that nature. I desire to know whether there is any provision by which anybody will be authorized to examine these clerks before they are appointed.

Mr. CUTCHEON. They would come under the civil-service rules, and would have to pass the examination applicable to clerks of the classes specified.

The question was taken; and it was decided in the affirmative—yeas 123, nays 111, not voting 88; as follows:

YEAS—123.

|                 |                  |                  |                 |
|-----------------|------------------|------------------|-----------------|
| Adams, G. E.    | Findlay,         | La Follette,     | Ryan,           |
| Allen, C. H.    | Fleeger,         | Laird,           | Sawyer,         |
| Atkinson,       | Frederick,       | Lindsley,        | Scott,          |
| Baker,          | Fuller,          | Long,            | Smalls,         |
| Bingham,        | Gay,             | Lyman,           | Spooner,        |
| Bound,          | Gilligan,        | Markham,         | Springer,       |
| Boutelle,       | Goff,            | McComas,         | Stephenson,     |
| Boyle,          | Hale,            | McKenna,         | Stone, E. F.    |
| Brady,          | Hall,            | McKinley,        | Strait,         |
| Browne, T. M.   | Harmer,          | Millard,         | Struble,        |
| Brown, C. E.    | Hayden,          | Milliken,        | Swinburne,      |
| Bunnell,        | Haynes,          | Moffatt,         | Taylor, I. H.   |
| Burleigh,       | Henderson, D. B. | Morrill,         | Taylor, Zach.   |
| Burrows,        | Henderson, T. J. | Nelson,          | Thomas, O. B.   |
| Butterworth,    | Hepburn,         | O'Neill, Charles | Thompson,       |
| Bynum,          | Herbert,         | Osborne,         | Townshend,      |
| Campbell, J. M. | Hermann,         | Owen,            | Wade,           |
| Cannon,         | Hiestand,        | Parker,          | Wadsworth,      |
| Conger,         | Hill,            | Payne,           | Wait,           |
| Cooper,         | Hires,           | Payson,          | Wakefield,      |
| Cutcheon,       | Hiscock,         | Perkins,         | Warner, William |
| Dargan,         | Hitt,            | Peters,          | Weaver, A. J.   |
| Davis,          | Holmes,          | Pettibone,       | Weber,          |
| Dibble,         | Hopkins,         | Pindar,          | West,           |
| Dingley,        | Houk,            | Pierce,          | White, A. C.    |
| Dorsey,         | Howard,          | Plumb,           | White, Milo     |
| Dunham,         | Jackson,         | Price,           | Whiting,        |
| Ely,            | James,           | Rice,            | Willis,         |
| Evans,          | Johnson, F. A.   | Rockwell,        | Winans,         |
| Everhart,       | Johnston, J. T.  | Romeis,          | Worthington.    |
| Farquhar,       | Kelley,          | Rowell,          |                 |

NAYS—111.

|                 |                  |             |                   |
|-----------------|------------------|-------------|-------------------|
| Adams, J. J.    | Culberson,       | King,       | Sayers,           |
| Allen, J. M.    | Curtin,          | Kleiner,    | Shaw,             |
| Anderson, C. M. | Davidson, A. C.  | Laffoon,    | Singleton,        |
| Ballentine,     | Dockery,         | Landes,     | Skinner,          |
| Barksdale,      | Dowdney,         | Lanham,     | Sowden,           |
| Barnes,         | Dunn,            | Lawler,     | Stewart, Charles  |
| Barry,          | Eldredge,        | Lore,       | St. Martin,       |
| Belmont,        | Ellsberry,       | Lovering,   | Stone, W. J., Ky. |
| Bennett,        | Ermentrout,      | Lowry,      | Swope,            |
| Blanchard,      | Fisher,          | Mahoney,    | Tarsney,          |
| Bliss,          | Ford,            | Martin,     | Taulbee,          |
| Bragg,          | Forney,          | Matson,     | Taylor, J. M.     |
| Bumm,           | Geddes,          | Maybury,    | Tillman,          |
| Burnes,         | Gibson, C. H.    | McAdoo,     | Trigg,            |
| Cabell,         | Glass,           | McCreary,   | Turner,           |
| Caldwell,       | Glover,          | McMillin,   | Van Eaton,        |
| Campbell, J. E. | Green, R. S.     | McRae,      | Wallace,          |
| Candler,        | Halsell,         | Merriman,   | Ward, J. H.       |
| Carleton,       | Harris,          | Morgan,     | Ward, T. B.       |
| Catchings,      | Hatch,           | Murphy,     | Weaver, J. B.     |
| Clardy,         | Henderson, J. S. | Neal,       | Wellborn,         |
| Clements,       | Henley,          | Oates,      | Wheeler,          |
| Collins,        | Holman,          | Perry,      | Wilkins,          |
| Constock,       | Hudd,            | Randall,    | Wilson,           |
| Cowles,         | Hutton,          | Reagan,     | Wise,             |
| Crisp,          | Iron,            | Reid, J. W. | Wolford,          |
| Croxton,        | Johnston, T. D.  | Richardson, | Woodburn.         |
|                 | Jones, J. H.     | Sadler,     |                   |

NOT VOTING—88.

|                        |                 |                |                   |
|------------------------|-----------------|----------------|-------------------|
| Aiken,                 | Dawson,         | Little,        | Richgs,           |
| Anderson, J. A.        | Dougherty,      | Louttit,       | Robertson,        |
| Arnot,                 | Eden,           | Miller,        | Rogers,           |
| Barbour,               | Felton,         | Mills,         | Scranton,         |
| Bayne,                 | Foran,          | Mitchell,      | Seney,            |
| Beach,                 | Funston,        | Morrison,      | Sessions,         |
| Bland,                 | Gallinger,      | Morrow,        | Seymour,          |
| Breckinridge, C. R.    | Gibson, Eustace | Muller,        | Snyder,           |
| Breckinridge, W. C. P. | Green, W. J.    | Neece,         | Spriggs,          |
| Brown, W. W.           | Grosvenor,      | Negley,        | Stahlnecker,      |
| Buchanan,              | Grout,          | Norwood,       | Steele,           |
| Buck,                  | Guenther,       | O'Donnell,     | Stewart, J. W.    |
| Campbell, Felix        | Hammond,        | O'Ferrall,     | Stone, W. J., Mo. |
| Campbell, T. J.        | Hanback,        | O'Hara,        | Storm,            |
| Caswell,               | Heard,          | O'Neill, J. J. | Symes,            |
| Cobb,                  | Hemphill,       | Outhwaite,     | Taylor, E. B.     |
| Compton,               | Hewitt,         | Peel,          | Thomas, J. R.     |
| Cox,                   | Jones, J. T.    | Phelps,        | Throckmorton,     |
| Crain,                 | Ketcham,        | Pidcock,       | Tucker,           |
| Daniel,                | Le Fevre,       | Ranney,        | Van Schaick,      |
| Davenport,             | Lehlbach,       | Reed, T. B.    | Viele,            |
| Davidson, R. H. M.     | Libbey,         | Reese,         | Warner, A. J.     |

So Mr. CANNON's motion was agreed to.

During the roll-call,

On motion of Mr. SPRINGER, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced from the Clerk's desk:

Until further notice:

Mr. SPRIGGS with Mr. OWEN.

Mr. DAWSON with Mr. RANNEY.

Mr. HEARD with Mr. BAYNÉ.

Mr. HAMMOND with Mr. CASWELL.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. VIELE with Mr. GALLINGER.

Mr. ROBERTSON with Mr. STEELE.

Mr. FELIX CAMPBELL with Mr. DAVENPORT.

Mr. RIGGS with Mr. PHELPS.

Mr. STORM with Mr. LOUTTIT.

Mr. SNYDER with Mr. BRADY.

Mr. PIDCOCK with Mr. SYMES.

Mr. O'FERRALL with Mr. VAN SCHACK.

Mr. GREEN, of North Carolina, with Mr. HANBACK.

Mr. ARNOT with Mr. THOMAS, of Illinois.

Mr. REESE with Mr. BUCHANAN.

Mr. BARBOUR with Mr. LIBBEY, until December next.

Mr. ROGERS with Mr. EZRA B. TAYLOR, until the end of the session.

For this day:

Mr. HEWITT with Mr. BUCK.

Mr. SENAY with Mr. FELTON.

Mr. MULLER with Mr. GUNTHER.

Mr. COX with Mr. LEHLBACH.

Mr. OUTHWAITE with Mr. LITTLE. If Mr. OUTHWAITE were present, Mr. LITTLE would vote in the affirmative.

Mr. THROCKMORTON with Mr. SESSIONS.

Mr. LE FEVRE with Mr. NEGLEY.

Mr. WARNER, of Ohio, with Mr. ANDERSON, of Kansas.

The vote was then announced as above recorded.

Mr. HOLMAN. I move the House insist on its disagreement to the remaining amendments numbered 2 and 17.

Mr. CANNON. I ask the gentleman from Indiana [Mr. HOLMAN] as to the amendment numbered 17, which relates to Senators' clerks, whether he does not think the House should take some action?

Mr. HOLMAN. Oh, yes; it is a matter upon which the House will have to act.

Mr. CANNON. I ask the gentleman whether there is any necessity at this stage of the session to send the conference back only to report further disagreement?

Mr. HOLMAN. I suggest inasmuch as four amendments go to the conference this might as well go.

Mr. CANNON. I am perfectly willing if the other side of the House wishes another conference.

The SPEAKER. The Chair would like to call the attention of the gentleman from Indiana to the fact that the amendment numbered 41 changing the amount of appropriation so as to conform to the recommendation of the Civil Service Commission, has not been disposed of.

Mr. HOLMAN. That is to be concurred in.

The SPEAKER. If there be no objection the House will concur in that amendment.

There was no objection, and it was so ordered.

Mr. SPRINGER moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I move the House further insist on its disagreement and ask for a further conference.

The motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. HOLMAN, Mr. CABELL, and Mr. CANNON.

#### ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 944) for the relief of Mary Jane Conrad;

A bill (H. R. 1062) for the relief of Ernest H. Wardwell;

A bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

A bill (H. R. 3358) granting a pension to Hiram L. Wait;

A bill (H. R. 4139) for the relief of Thomas Sampson;

A bill (H. R. 4374) to increase the pension of Samuel Frost;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6087) granting a pension to Patrick Murphy;

A bill (H. R. 6979) authorizing the construction of additional light-house districts;

A bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8066) to pension Martha A. Vorhees;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 8372) granting a pension to John E. Doggett;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll; and

A bill (H. R. 9438) appropriating money for the completion of the public building at Greensborough, N. C.

#### CARTER W. TILLER.

Mr. MATSON. I call up for consideration a bill (H. R. 4002) granting a pension to Carter W. Tiller, together with the accompanying message of the President. This bill has been twice before the House for consideration. I wish to say this pension claim is in the hands of a special examiner for the purpose of being investigated for allowance in the Pension Office. There seems to be but one point of difficulty remaining as to that claim; it is whether or not the soldier was in the line of duty at the time of capture. I think that can be cleared up by a special investigation. With a view of calling up other cases of the kind, at the request of the gentleman from Kentucky [Mr. TAULBEE] I ask that by unanimous consent the consideration of this matter be postponed to the fifth day of the next session of this Congress.

The motion was agreed to.

#### MRS. MARIA HUNTER.

Mr. MATSON. I call up as a matter of privilege for consideration a bill (H. R. 7167) granting a pension to Mrs. Maria Hunter, with the accompanying message of the President.

Mr. FORNEY. I raise the question of consideration against that, my object being to take up the fortification bill.

The SPEAKER. The gentleman from Alabama raises the question of consideration. The question is, Will the House now proceed to consider the message and bill?

Mr. MATSON. I want to make a suggestion. If in the judgment of the House it is important that this bill, the fortifications bill, should go to the Senate at an early date, I do not want to insist upon this measure, because it can be called up at any time after the appropriation bill has been disposed of.

Mr. FORNEY. This is the last one of the general appropriation bills.

Mr. SMALLS. I would like to ask the chairman of the Committee on Invalid Pensions to allow this bill to go over until next Friday, as Mr. O'HARA, who made the minority report, is not present and will not be in his seat until next week.

Mr. MATSON. I have no objection.

Several MEMBERS. Say next week.

Mr. SMALLS. Very well; I will suggest that it go over until next Tuesday.

Mr. SPRINGER. I must object to that; Friday is private bill day, and this should go over until then.

The SPEAKER. As the question of consideration is raised against the bill, the first question is, Will the House proceed to consider it.

Mr. FORNEY. I withdraw the question of consideration if it will facilitate the disposition of it.

The SPEAKER. The question is on postponing the further consideration until Friday next.

Mr. PERKINS. I think the Speaker misunderstood the gentleman from South Carolina. He modified his request and made it Tuesday.

Mr. SMALLS. Yes, sir; Tuesday next.

Mr. SPRINGER. I insist upon Friday, that being private-bill day.

Mr. SMALLS. We have taken up all of the private-bill days for weeks upon other matters.

The SPEAKER. The Chair will submit the question to the House.

Mr. SPRINGER. I move to amend the motion by setting the consideration of the bill for next Friday.

The question was taken; and on a division there were—ayes 52, noes 82.

So the motion was not agreed to.

The motion to postpone the consideration of the bill until Tuesday was then agreed to.

#### ELIZABETH LUCE.

Mr. MATSON. I now call up House bill No. 5997, granting a pension to Elizabeth Luce; and I ask it to be considered in connection with the message of the President stating his objections.

Mr. FORNEY. Against that I raise the question of consideration.

Mr. TOWNSHEND. I desire to ask the gentleman from Alabama how long a time the consideration of the fortifications bill will occupy?

Mr. FORNEY. I suppose we can get through with it to-morrow, unless gentlemen want the general debate extended. I understand four hours' debate is desired.

Mr. HOLMES. I trust this bill will be considered.

Mr. MATSON. I have learned enough of the condition of the appropriation bills to insist upon the consideration of this bill now, as against the fortifications bill. There is no immediate necessity for sending that bill to the Senate.

Mr. FORNEY. It is a question as to whether we will take up the general appropriation bill or a private bill.

Mr. RICHARDSON. I wish to make a parliamentary inquiry. There are two bills carried over from last Friday, both of them being private bills. I desire to ask if they do not come up prior to this one?

The SPEAKER. The Chair thinks not. These are private bills also, and are privileged under the Constitution.

Mr. BUTTERWORTH. I wish to say, in response to my colleague on the committee in charge of the fortifications bill, that this side of the House will expect two hours for general debate. I do not know what my friend wants on that side. But of course there is no pressing necessity for getting this bill to the Senate as they have their hands full.

Mr. REED, of Maine. And as reported it does not amount to much of a bill anyway. [Laughter.]

The question being taken, there were on a division—ayes 93, noes 73.

So the House determined to proceed to the consideration of the bill.

Mr. MATSON. Mr. Speaker, I now ask that this report be read and that the views of the minority be also read, and after that I propose to move the previous question, in which I hope I will be sustained by gentlemen on both sides of the House.

Mr. HOLMES. I trust the gentleman will not move the previous question yet, as a little explanation is desirable in regard to the medical evidence in this case.

Mr. MATSON. After the report is read if any gentleman insists that he has some word of explanation which is essential, I will yield ten or fifteen minutes.

The report of the Committee on Invalid Pensions on the veto message of the President of the United States, and the minority report accompanying the same, which have heretofore been printed in the RECORD, were again read.

Mr. MATSON. I now move the previous question.

Mr. HOLMES. I hope the gentleman will give at least twenty or thirty minutes' debate on this.

Mr. MATSON. It is impossible in the present state of the business. I am sure it is not needed, because the report sets forth the facts very fully.

Mr. LONG. I rise to a parliamentary inquiry. If the previous question is ordered will there not be fifteen minutes' debate on either side?

The SPEAKER *pro tempore* (Mr. MILLS in the chair). The previous question will cut off debate.

Mr. LONG. Does not the rule provide that where there has not been any debate fifteen minutes shall be allowed for and against after the previous question has been ordered?

The SPEAKER *pro tempore*. The reading of the report, which has been held to be in the nature of debate, has occupied the time.

Mr. HENDERSON, of Iowa. The chairman of the committee said that after the reports were read he would yield time to discuss it.

Mr. MATSON. I said if any gentleman stated that he had a particular point I would be willing to yield a few minutes. But the gentleman has asked thirty minutes, which is inadmissible.

The previous question was ordered; there being on a division—ayes 85, noes 79.

The SPEAKER *pro tempore*. The question now is, Will the House on reconsideration agree to pass the bill, the veto of the President to the contrary notwithstanding? And on this question the Constitution requires the yeas and nays to be taken.

The question was taken; and there were—yeas 116, nays 124, not voting 82; as follows:

## YEAS—116.

|                 |                  |                  |                 |
|-----------------|------------------|------------------|-----------------|
| Adams, G. E.    | Frederick,       | Landes,          | Romeis,         |
| Atkinson,       | Fuller,          | Lindsay,         | Rowell,         |
| Baker,          | Funston,         | Lyman,           | Ryan,           |
| Bingham,        | Geddes,          | Markham,         | Sawyer,         |
| Bound,          | Gillilan,        | Maybury,         | Smalls,         |
| Boutelle,       | Goff,            | McComas,         | Spooner,        |
| Browne, T. M.   | Grosvenor,       | McKenna,         | Stephenson,     |
| Brown, C. E.    | Grout,           | McKinley,        | Strait,         |
| Brown, W. W.    | Harmer,          | Millard,         | Struble,        |
| Brumm,          | Henderson, D. B. | Miliken,         | Swinburne,      |
| Bunnett,        | Henderson, T. J. | Moffatt,         | Tarsney,        |
| Burleigh,       | Hepburn,         | Morrill,         | Taylor, I. H.   |
| Burrows,        | Hermann,         | Morrow,          | Taylor, Zach.   |
| Butterworth,    | Hiestand,        | Nelson,          | Thomas, O. B.   |
| Campbell, J. M. | Hires,           | O'Neill, Charles | Thompson,       |
| Cannon,         | Hiscock,         | Osborne,         | Wade,           |
| Carleton,       | Hitt,            | Owen,            | Wadsworth,      |
| Conger,         | Holmes,          | Parker,          | Wait,           |
| Cooper,         | Hopkins,         | Payne,           | Warner, William |
| Cuthcheon,      | Houk,            | Passey,          | Weaver, A. J.   |
| Davis,          | Jackson,         | Perkins,         | Weaver, J. B.   |
| Dingley,        | James,           | Peters,          | Weber,          |
| Dorsey,         | Johnson, F. A.   | Pettibone,       | West,           |
| Ely,            | Johnson, J. T.   | Pierce,          | White, A. C.    |
| Evans,          | Kelley,          | Plumb,           | White, Milo     |
| Everhart,       | Ketcham,         | Price,           | Whiting,        |
| Faquhar,        | La Follette,     | Reed, T. B.      | Wolford,        |
| Fleeger,        | Laird,           | Rice,            | Woodburn,       |
| Foran,          |                  | Rockwell,        | Worthington.    |

## NAYS—124.

|                      |                    |                 |                   |
|----------------------|--------------------|-----------------|-------------------|
| Adams, J. J.         | Dargan,            | Hutton,         | Sadler,           |
| Allen, J. M.         | Davidson, A. C.    | Irion,          | Sayers,           |
| Anderson, C. M.      | Davidson, R. H. M. | Johnston, T. D. | Scott,            |
| Ballentine,          | Dibble,            | Jones, J. H.    | Seymour,          |
| Barksdale,           | Dockery,           | Kleiner,        | Shaw,             |
| Barnes,              | Dougherty,         | Laffoon,        | Singleton,        |
| Barry,               | Dowdney,           | Lanham,         | Skinner,          |
| Belmont,             | Eden,              | Lawler,         | Sowden,           |
| Bennett,             | Eldredge,          | Lore,           | Springer,         |
| Blanchard,           | Ellsberry,         | Lowry,          | Stahnecker,       |
| Bland,               | Ermentrout,        | Martin,         | Stewart, Charles  |
| Bliss,               | Fisher,            | Matsen,         | St. Martin,       |
| Blount,              | Ford,              | McAdoo,         | Stone, W. J., Ky. |
| Boyle,               | Forney,            | McCreary,       | Stone, W. J., Mo. |
| Bragg,               | Gay,               | McMillin,       | Swope,            |
| Breckinridge, C. R.  | Gibson, C. H.      | McRae,          | Taulbee,          |
| Breckinridge, W.C.P. | Glass,             | Merriman,       | Taylor, J. M.     |
| Burnes,              | Glover,            | Mills,          | Tillman,          |
| Bynum,               | Green, R. S.       | Mitchell,       | Townshend,        |
| Cabel,               | Hale,              | Morgan,         | Trigg,            |
| Caldwell,            | Halsell,           | Morrison,       | Turner,           |
| Candler,             | Harris,            | Murphy,         | Van Eaton,        |
| Catchings,           | Hatch,             | Neal,           | Wallace,          |
| Clardy,              | Hemphill,          | Neese,          | Ward, T. B.       |
| Clements,            | Henderson, J. S.   | Oates,          | Wellborn,         |
| Cobb,                | Henley,            | Peel,           | Wheeler,          |
| Crain,               | Herbert,           | Perry,          | Wilkins,          |
| Croxton,             | Hill,              | Randall,        | Willis,           |
| Culberson,           | Holman,            | Reagan,         | Wilson,           |
| Curtin,              | Howard,            | Reid, J. W.     | Winans,           |
| Daniel,              | Hudd,              | Richardson,     | Wise.             |

## NOT VOTING—82.

|                 |                 |                |                |
|-----------------|-----------------|----------------|----------------|
| Aiken,          | Dawson,         | Long,          | Scranton,      |
| Allen, C. H.    | Dunham,         | Louttit,       | Seney,         |
| Anderson, J. A. | Dunn,           | Lovering,      | Sessions,      |
| Arnot,          | Felton,         | Mahoney,       | Snyder,        |
| Barbour,        | Findlay,        | Miller,        | Spriggs,       |
| Bayne,          | Gallinger,      | Muller,        | Steele,        |
| Beach,          | Gibson, Eustace | Negley,        | Stewart, J. W. |
| Brady,          | Green, W. J.    | Norwood,       | Stone, E. F.   |
| Buchanan,       | Guenther,       | O'Donnell,     | Storm,         |
| Buck,           | Hall,           | O'Ferrall,     | Symes,         |
| Campbell, Felix | Hammond,        | O'Hara,        | Taylor, E. B.  |
| Campbell, J. E. | Hanback,        | O'Neill, J. J. | Thomas, J. R.  |
| Campbell, T. J. | Hayden,         | Outhwaite,     | Throckmorton,  |
| Caswell,        | Heard,          | Phelps,        | Tucker,        |
| Collins,        | Hewitt,         | Pidcock,       | Van Schaick,   |
| Compton,        | Jones, J. T.    | Pindar,        | Viele,         |
| Comstock,       | King,           | Ranney,        | Ward, J. H.    |
| Cowles,         | Le Fevre,       | Reese,         | Wakefield,     |
| Cox,            | Leiblach,       | Riggs,         | Warner, A. J.  |
| Crisp,          | Libbey,         | Robertson,     |                |
| Davenport,      | Little,         | Rogers,        |                |

So (two-thirds not having voted in favor of the bill) on reconsideration, it failed to pass.

Mr. GUENTHER. I am paired with Mr. MULLER, of New York, on all political questions. If this is to be considered a political question I will withdraw my vote. I will leave it to the Chair to determine.

The SPEAKER *pro tempore* (Mr. MILLS). That is a question which the gentleman must decide for himself.

Mr. GUENTHER. Judging from the vote it seems to have been made a political question, and I am somewhat uneasy about it. As it seems to be considered a political question, I withdraw my vote.

Mr. MATSON. I ask unanimous consent to dispense with the reading of the names.

Mr. HOLMES. I object.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. WAKEFIELD, for the rest of the day.

Mr. PINDAR with Mr. SCRANTON, for the rest of the day.

Mr. MILLER with Mr. HAYDEN, on this vote.

Mr. CRISP with Mr. DUNHAM, on this vote.

The result of the vote was then announced as above stated.

Mr. HOLMES. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMES. It is whether a motion would be in order to reconsider the vote just taken?

The SPEAKER *pro tempore*. The question on which the House has just voted is a question of reconsideration, and a motion to reconsider that vote would not be in order.

MRS. SARAH YOUNG.

Mr. WINANS. I submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2113) granting a pension to Mrs. Sarah Young, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows: In lieu of the word "twelve" insert the word "twenty," and the House agree to the same.

EDWIN B. WINANS,

JOHN A. SWOPE,

E. H. CONGER,

Managers on the part of the House.

PHILETUS SAWYER,

JAMES F. WILSON,

W. C. WHITTHORNE,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

The effect will be to grant the beneficiary a pension at the rate of \$20 per month from the passage of the act.

EDWIN B. WINANS,

JOHN A. SWOPE,

E. H. CONGER.

The report was adopted.

Mr. WINANS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## LIGHT-HOUSE SUPPLY STEAMER.

Mr. CLARDY. I submit the report of a committee of conference. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows: In section 2 strike out all of line 3 and the first three words in line 4; after the words "New York," in line 5, insert "the cost of which shall not exceed the sum of \$40,000;" in line 7, after the word "of," strike out "forty" and insert "three;" and at the end of the section add "and also to place and maintain at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal;" so that the section will read: "That the Light-House Board is authorized and required to establish and maintain light-ships at the following-named places: One at or near the south end of Ram Island Reef, Fisher's Island Sound, Long Island, New York, the cost of which shall not exceed the sum of \$4,000; one, the cost of which shall not exceed the sum of \$3,000, to be stationed off Grosse's Point, Lake Saint Clair, Michigan, and also to place and maintain at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, the light-ship recently withdrawn from Eel Grass Shoal."

MARTIN L. CLARDY,

T. E. TARNSEY,

W. W. MORROW,

Managers on the part of the House.

S. J. R. MC MILLAN,

J. N. DOLPH,

A. P. GORMAN,

Managers on the part of the Senate.

The following is the statement of the House conferees:

In the matter of conference on Senate amendments to bill H. R. 7627, providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, the managers on the part of the House report that the second amendment relates to a change of the title of the bill made necessary by the adoption of Senate amendment numbered 1.

Senate amendment numbered 1 provided for the construction of a light-ship at or near the south end of Ram Island Reef, Fisher's Island Sound, Long Island, to which the managers on the part of the House agreed with an amendment that the cost of such light-ship shall not exceed \$40,000; said amendment numbered 1 provided also for a light-ship at or near Grosse Pointe, Lake Saint Clair, Michigan, the cost of which should not exceed \$40,000, to which the managers on the part of the House agreed with an amendment striking out \$40,000 and inserting \$3,000.

Said amendment further provided for the establishment of a light-ship at the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island, to which the managers on the part of the House agreed with an amendment directing the Light-House Board to place and maintain at such point the light-ship re-

cently withdrawn from Eel Grass Shoal, the effect of which is to obviate the necessity of constructing a new light-ship.

MARTIN L. CLARDY.  
T. E. TARSNEY.  
WM. W. MORROW.

The report was adopted.

Mr. CLARDY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ROAD TO KNOXVILLE NATIONAL CEMETERY.

Mr. HOUK. I submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the Senate recede from its amendment numbered 2.

C. M. ANDERSON,  
L. C. HOUK,  
*Managers on the part of the House.*  
JOHN A. LOGAN,  
BENJ. HARRISON,  
*Managers on the part of the Senate.*

Mr. SPRINGER. The report does not state the effect of the amendments.

Mr. HOUK. The effect, if the gentleman will permit me, is this: Through a mistake, General LOGAN added two amendments instead of one, having misread the Quartermaster-General's letter. We are not building the road as far as the original bill contemplated, and the first amendment cuts the road off about half way. Then, through a mistake, he made the bill read that the road should be 35 feet wide. We want it 50 feet, and the Senate agrees to that.

The conference report was adopted.

Mr. HOUK moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. FARRIS.

Mr. MORRILL. Mr. Speaker, I present a privileged report from the Committee on Invalid Pensions in relation to the bill (H. R. 5137) granting a pension to John W. Farris. I ask that the report be printed in the RECORD and lie over.

There was no objection, and it was so ordered.

Mr. MATSON. I ask leave to file the views of the minority in that case.

There was no objection, and it was so ordered.

The following is the report:

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following report:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 6136) granting an increase of pension to John W. Farris, submit the following report:

This bill was considered by the Committee on Invalid Pensions and was favorably reported May 4, 1886. The bill, having passed both Houses of Congress, was presented to the President, who returned it June 21, 1886, with the following message:

To the House of Representatives:

I hereby return without approval a bill originating in the House of Representatives, entitled "An act granting an increase of pension to John W. Farris," which bill is numbered 6136.

The claimant mentioned in this bill enlisted in the month of October, 1861, and was mustered out of the service in August, 1865.

In 1881, sixteen years after his discharge, he filed an application for a pension, alleging that he was afflicted with chronic diarrhea, contracted in the Army, and in 1885 his claim was allowed and he was granted a pension for that cause.

In September of the same year, and after this pension was granted, he filed an application for an increase of his rate, alleging that in 1884, his eyes became affected in consequence of his previous ailments and the debility consequent thereupon.

The ingenuity developed in the constant and persistent attacks upon the public Treasury by those claiming pensions and the increase of those already granted is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

I am entirely satisfied with the opinion of the medical referee, who, after examining this case in October, 1885, reported that "the disease of the eyes can not be admitted to be a result of chronic diarrhea."

On all grounds it seems to me that this claimant should be contented with the pension which has been already allowed him.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 21, 1886.

[H. R. 6136. Forty-ninth Congress, first session.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

Claimant enlisted in Company K, Forty-eighth Illinois Volunteers, being at the time only fifteen years of age. September 8, 1864, he was promoted to be second lieutenant of his company, and was afterward promoted to be first lieutenant and adjutant of his regiment, and was mustered out August 16, 1865. On September 9, 1861, he made application for a pension, alleging chronic diarrhea and general debility. January 16, 1885, this application was approved, and pension allowed for "chronic diarrhea and resulting general debility." It is shown in the evidence that he contracted measles in the service, from which he had not fully recovered when he engaged in the battle of Shiloh, where he received a

gunshot wound in his head, but did not leave the field. That from the effects of the measles and the exposure at said battle he contracted chronic diarrhea from which he has suffered ever since, and for which he is now receiving a pension.

September 4, 1885, claimant filed an application for increase of pension, alleging "that since the granting of said certificate affiant's general condition has grown worse. That in July, 1884, he was taken with sore eyes, and that said sore eyes resulted from the long and aggravated general debility contracted in the Army." February 16, 1886, the application for increase was rejected on the ground that "the disease of the eyes can not be admitted as the result of chronic diarrhea."

It will be noticed that in his application for increase he alleges that the disease of his eyes was the result of the general debility contracted in the Army; the medical examiner, if your committee understand his language, denies that the disease of the eyes can be the result of chronic diarrhea. The following evidence was submitted in support of his claim. Dr. James McComb, a reputable physician of twenty years, testifies under date of January 27, 1886:

"I have frequently treated him for chronic diarrhea, and have known for many years that he was a sufferer from that disease; that in 1884, when he was first attacked with conjunctivitis, I, in connection with my partner, Dr. Billings, treated the claimant until he went to the city of Saint Louis for treatment by Dr. Michel, professor of ophthalmology in Missouri Medical College; that, in my opinion, his impaired vision and protracted eye disease is the result of a chronic constitutional disability."

Dr. James M. Billings, of Lebanon, Mo., testifies, January 27, 1886:

"I have often treated claimant for chronic diarrhea, with which he was afflicted. That in 1884, when claimant was attacked with sore eyes, Dr. McComb and myself treated him until he went to Saint Louis for treatment by an oculist. That at the time I first treated the claimant for sore eyes I attributed said disease to constitutional causes, and I am now, and ever have been from that time, of the opinion that his impaired vision and protracted eye disease is the result of a constitutional constitution."

Dr. Charles E. Michel, oculist, of Missouri Medical College, certifies "that he has been treating Senator J. W. Farris for chronic conjunctivitis with granulation since January, 1885, and that I am satisfied that a vitiated constitutional condition is to blame for his impaired vision and prolonged eye affection."

The examining board of surgeons at Lebanon, Mo., report, October 21, 1885:

"We find the conjunctiva of both eyelids thickened and in a state of chronic inflammation. There is an opacity of the cornea of both eyes, resulting from ulceration, which is of the nebulous variety. The vessels of the conjunctiva of the cornea are very much enlarged. The opacity of the left cornea extends over the pupil, and almost completely obstructs the vision. That of the right eye is less extensive—about two-thirds. He can not distinguish the largest test type with the left eye, but with the right eye can distinguish it at a distance of 17 inches. He is totally incapacitated for manual labor. He is in our opinion entitled to a second-grade rating for the disability caused by chronic diarrhea resulting in general debility and sore eyes."

This evidence was carefully discussed and weighed when the case was considered by the committee. Upon the committee are two able physicians of long and extensive practice. The evidence was submitted to them, and they were requested to decide upon the merits of the question as to whether disease of the eyes would be a natural result of long-continued chronic diarrhea and general debility. They decided, after a careful consideration of the matter, that it would be, and recommended a favorable report in the case. Dr. John Swinburne, a member of this House, one of the most noted physicians of this country, a gentleman who for forty years has had a large and varied practice, who was himself a distinguished Army surgeon during the late war, and afterward at the siege of Paris, expresses himself as follows:

"My experience is that where any inflammation occurs while one is suffering from any exhausting disease, such as chronic diarrhea of years' standing, and especially those involving the eyes (conjunctivitis), the disease becomes chronic, and does not yield so long as the diarrhea continues. Also that persons suffering from chronic diarrhea, or other exhaustive ailments, are more liable to contract low forms of inflammation, and particularly the eyes (conjunctivitis)."

Your committee in considering this case had before them the evidence of five physicians, men known to be skilled in the practice of their profession—one of them a distinguished oculist, and a professor of a well-known medical college—who, after a personal examination of claimant and months of acquaintance with him, declared that they were satisfied that his disease of the eyes was the result of his "vitiated constitutional condition." The other able physicians who had examined the evidence declared that the conclusions reached by those who had examined the claimant were logical and reasonable.

On the other hand was the statement of the medical examiner that "the disease of the eyes can not be admitted as the result of chronic diarrhea," and this was formally approved by the medical referee. Neither of them had ever seen the man, nor can your committee discover that they had any evidence before them except the affidavits of the five physicians which are set forth in this report. It was simply a question whether the opinions of two men, who had never seen a patient, should weigh more than those of five just as able and as skilled, who had personally examined him, with the judgment of three more added who had given the case just as careful thought and attention as the two had.

But there are other matters which enter into a full and fair consideration of this case. Your committee, in considering the bills that have been referred to them, have labored under the impression that they were not wholly restricted to the consideration of cases that could properly be allowed in the Pension Office, nor were they confined to the rules and regulations of that bureau, but they have assumed that they had an enlarged jurisdiction, and that upon them devolved the delicate duty of meting out justice and equity in cases where adequate relief could not be afforded under existing laws. They do not therefore deem it absolutely essential that it shall be proven with mathematical certainty that this claimant's loss of sight was entirely the result of his military service. It is probably beyond the power of human skill to trace unerringly the connection between his present disability and the days and months lengthened into years that he passed in camp and on the march or the terrible ordeals of the battlefields and the hospitals.

It is known that this man enlisted early in the war when mere lad; that he served nearly four years, though much of the time a constant sufferer from the terrible disease which has clung to him ever since. That he was a brave and gallant soldier, and so distinguished himself by his fidelity and bravery that he won two commissions before he was twenty years of age. That he came out of the service diseased and broken down, justly entitled to a pension, which he proudly refused to accept until worn and weakened by his disability incurred in the service. That for sixteen years he cheerfully surrendered to the Government that pension to which he was justly entitled. That he has now entirely lost the sight of one eye, and that of the other is very seriously impaired. In a few more months he will probably be forever shut out from the light of the sun, and for him during the remainder of his years on earth there will only be one endless night. If this brave boy had not enlisted in the military service of the United States he would have been now, at the age of forty years, in the prime of manhood instead of being an almost helpless wreck. That Congress has the power to grant the relief asked for no one questions. That it is its duty your committee, without a dissenting voice, believe. They therefore recommend the passage of the bill, the objection of the President to the contrary notwithstanding.

The views of the minority will be submitted hereafter.

## INTEROCEANIC CANAL.

MR. BELMONT. Mr. Speaker, I desire to submit a privileged report.

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

The report was read, as follows:

The Committee on Foreign Affairs, having had under consideration the following resolution, beg leave to report the same with an amendment in the nature of a substitute, and recommend its adoption:

"Resolved, That the President be requested, if not incompatible with the public interests, to furnish the House of Representatives with all correspondence not heretofore made public between the Government of the United States and the Republics of Nicaragua and Costa Rica since 1876 in reference to the location and construction of an interoceanic canal via San Juan River and Lake Nicaragua, and relating to the treaty or other rights of the bordering republics."

The substitute was agreed to.

The resolution as amended was then adopted.

MR. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVID T. ELDERKIN.

MR. CONGER. Mr. Speaker, I desire to present a privileged report from the Committee on Invalid Pensions on the bill (H. R. 5995) granting a pension to David T. Elderkin and the President's message vetoing the same. I ask that the report be printed in the RECORD and lie over.

There was no objection, and it was so ordered.

MR. MATSON. I will ask leave to file the views of the minority in that case.

There was no objection, and it was so ordered.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States returning House bill 5995 with his objections thereto, report.

The veto message is as follows:

To the House of Representatives:

I return herewith without approval House bill No. 5995, entitled "An act granting a pension to David T. Elderkin."

This claimant enlisted August 5, 1862. From his record it appears that he was dishonorably discharged from the service, to date from June 11, 1863, with loss of all pay, bounty, and allowances.

He filed a declaration for a pension in 1882, claiming that he was wounded in the head by a shell January 1, 1863, which cut his cheek close to his right ear, causing almost total deafness.

There is conflicting evidence as to the claimant's freedom from deafness prior to enlistment, and on a special examination it was shown that he was slightly deaf of hearing before enlistment. Indeed the claimant himself stated to the special examiner and also to the board of surgeons that he had been somewhat deaf from childhood.

In 1882 an examining surgeon reports that he finds no scar or evidence of wound, but his hearing is very much impaired.

The claim was rejected in 1883 on the ground that deafness existed prior to enlistment, and also because of no ratable disability by reason of alleged wound in the cheek.

I think, considering the manner of the soldier's discharge and the facts developed, that the claimant should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 23, 1886.

[H. R. 5995. Forty-ninth Congress, first session.]

An act granting a pension to David T. Elderkin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David T. Elderkin, late of Company K, One hundredth Regiment Illinois Infantry Volunteers.

JOHN G. CARLISLE,  
Speaker of the House of Representatives  
JOHN SHERMAN,  
President of the Senate *pro tempore*.

I certify that this act originated in the House of Representatives.

Attest:

JNO. B. CLARK, JR., Clerk.

The following is the military history of this soldier:

He enlisted August 5, 1862, in Company K, One hundredth Regiment Illinois Infantry Volunteers; was wounded and taken prisoner at battle of Stone River, December 31, 1863; confined in Libby prison forty-one days; paroled at Annapolis, Md., and sent to Benton barracks, Missouri, from whence, upon the advice of commanders and officers, he went home with the assurance that his discharge would follow him. Not receiving it, he returned in two weeks and went home again upon same advice. His discharge was not sent him, but he never returned, being totally unfit for duty, and was never paid. On June 23, 1875, he received from the War Department a dishonorable discharge "to date from June 11, 1863, with loss of all pay, bounty, and allowance."

On October 14, 1882, he filed application for pension, alleging that at battle of Murfreesborough or Stone River, Tennessee, he received a shell wound on side of the head by a shell which had taken off the head of a fellow soldier just before it struck him, which wound has resulted in his almost total deafness, and that he was captured, &c., as above stated. This claim was rejected November 5, 1885, "on the ground that said disability existed before enlistment."

A large amount of testimony has been taken in this case, by two special examiners, and it is clearly proven that claimant was slightly deaf at enlistment, but not to such a degree as prevented his acceptance into the service by examiner, and his performance of the duties of a soldier, until wounded in battle and taken prisoner.

Special Examiner J. J. Purman, who seems to have made a very extensive and thorough examination in Illinois among claimant's old comrades, says he finds conclusive evidence that soldier was somewhat deaf at enlistment, but also finds evidence showing that he was much deaf after the battle of Stone River than before, and recommends rejection for deafness alone, but thinks claimant entitled to something for the wound and its results.

Peter M. Chisholm, of Joliet, Ill., and whose reputation and character are certified to as excellent, testifies before special examiner:

"I first got acquainted with claimant in 1859; lived just 1 mile from him; he

and I enlisted about the same time. \* \* \* At the battle of Murfreesborough claimant and myself were both taken prisoners. I was taken prisoner two or three days before the battle and he was taken at the time of the battle. While we were both prisoners at Chattanooga, Tenn., and while the battle was yet going on, I met the claimant and I could hardly make him hear, and I asked him what made him so much more deaf than he used to be, and he then told me he had got hurt in the battle of Murfreesborough. He said a cannon-ball had passed by and just grazed his head and shoulders on the left side, and that since he could not hear as well as before. He came home from the service in June, 1863, and I was mustered out in June, 1865.

"The same summer or the fall after I came home I met claimant and he was more deaf than when I last saw him in the Army."

In another affidavit Chisholm testifies:

"In regard to the charge of desertion that is made against David Elderkin, of Company K, One hundredth Illinois Volunteer Infantry, on file in the War Department at Washington, I, Peter M. Chisholm, of Braidwood, Will County, Illinois, being duly sworn, depose and say that I was a private in Company E, One hundredth Illinois Volunteers; that I enlisted about August 18, 1862, at New Lenox, Ill., and that I am and have been intimately acquainted with David Elderkin since 1859. I knew when he enlisted and was near him on the march south from Nashville, Tenn., just before the battle of Stone River which took place January 1, 1863; that I was taken prisoner about December 23, 1862; that I did not see Elderkin again till about January 1, 1863, when he arrived a prisoner at Chattanooga, Tenn., where I was also held as a prisoner by the rebels; that we were both taken from this place to Richmond, Va., together, that when we arrived there we were separated, he going to Libby prison and I to Castle Thunder; that I saw him one day while he was in Libby prison; that I was paroled and sent to Annapolis, Md.

"After being there some ten days David Elderkin arrived, and I met him on the wharf when the boat arrived. After remaining there some time we were sent to Benton barracks, Missouri. We arrived there together on March 17, 1863. He was very deaf, and I took him to a doctor of an Illinois regiment, whose name I have since forgotten, and asked him if he could do anything for this man. The doctor examined him and said he would have to be discharged, that he was not fit for the service. Elderkin then asked for a discharge, but the doctor told him he had no orders to examine him, but that he would have to be discharged.

"Some of the officers and soldiers, to my certain knowledge, advised him to go home; that he was unfit for the service, and that if he went home his discharge would follow him. As I was a particular friend of his, he came to me to consult about the matter, and asked me what would be the result if he went home. I told him it would be all right; that they could not hurt him as he was not fit for the service. This I gave him as my opinion. He then went home, but returned in about two weeks to see about his discharge. His discharge had not arrived. So I and other soldiers then advised him to go home and report to the provost marshal and state his case to him; that he was unfit for duty, and would be discharged. I had great influence over him, and it may be that I am to blame for his going home as he did. I am willing to swear positively that he never intended to desert.

"David Elderkin was a very conscientious man, and I do not believe he could be induced to do anything he thought wrong. He was not posted as to the rules and regulations, and in this matter acted entirely on the advice of others. I was with him almost continually from the close of the battle of Stone River till he left Benton Barracks, Missouri, which was some time in June, 1863. I am no relation of David Elderkin, and have no interest whatever in the clearing up of his case."

Several other affidavits are on file showing that his hearing was much worse after he returned from the Army than it was before. He claims to have a roaring sound in his ears like musketry or artillery, which has existed ever since the wound was received, but with greater severity in last few years.

The following is taken from the examination by the full board at Waverly, Iowa, July 30, 1885:

"On roughing his head, he says, it jars all over and aches like a toothache; that the noise in his head came right on after the injury, but two years ago last spring the noises became very much exaggerated and have continued so until this time. Owing to his mental inaptitude his wife gave most of the answers to our inquiries \* \* \* He can not hear the watch tick at the ear or in the mouth, but does hear loud conversation (his wife says a good deal by the lip movements of the speaker).

"On roughing his head, he says, it jars all over and aches like a toothache; that the noise in his head came right on after the receipt of injury, and has continued ever since, and became worse two years ago last spring, we rate on the subjective symptoms only, namely: injury to the jaw and resulting hyperesthesia of the brain and nerves. He is, in our opinion, entitled to an 8-8 total rating for the disability caused by injury to jaw and disorder of brain."

It is not an uncommon thing for persons suffering from deafness caused by such injuries as this of Elderkin's, and with such resulting ringing and roaring in their heads, to finally become insane.

This result has already come upon Daniel Elderkin, as will be seen by the following affidavit of the commissioners of insanity for Black Hawk, Iowa:

"The undersigned, Dr. D. W. Crouse and E. T. Corwin, commissioners of insanity of said county, do hereby certify that we were present at the examination of David T. Elderkin for custody and treatment as an insane person. Said Elderkin was laboring under the delusion that he saw the head of a comrade taken off by a shell in battle, &c., and that the evidence in the case, with his actions, were conclusive beyond a doubt that said Elderkin was of unsound mind."

It is also in proof that claimant is very poor, and has a wife and seven children. The following petition is on file in the case, signed by a very large number of citizens, many of them, officers and business men of the county, of the very highest character and standing:

"Your petitioners, citizens of Black Hawk County, Iowa, respectfully show that we are personally acquainted with David T. Elderkin, of Finchford, this county, formerly of Company K, One hundredth Regiment Illinois Volunteers; that he has resided in this county for a number of years; that before he became insane he was a man of truth and veracity, and any statements he then made in regard to his claim for a pension are entitled to full credit and belief. Also, that, so far as his health would permit, he has been a hard-working, industrious man up to the time his health failed and he became insane; that he has a wife and children that are dependent almost entirely on him for their support; that we believe him entitled to a pension. And will forever pray," &c.

This seems to your committee a very sad and a very meritorious case, and the only possible objection to its passage lies in the fact of his dishonorable discharge. But this seems to be fairly explained, and while technically the soldier might have been a deserter, he certainly was not in spirit or intent. Knowing that he was valueless as a soldier, upon the advice of his friends he went home, and openly remained there expecting his discharge.

The Pension Office does not seem to have considered this as a bar to his receiving a pension, else why send examiners into several States at great expense to determine the other questions involved without any reference to this.

This man was accepted into the service as sufficiently sound for enrollment. He served faithfully until wounded and taken prisoner. His disability has continued to increase until now it has developed into hopeless insanity. He never received any pay.

In view of the high character of this claimant, as testified to by the best citi-

zens of his county, his disease and deplorable insanity, unquestionably resulting from his wound and the circumstances connected therewith, as shown by the testimony of the insane commission quoted above, and the recommendation of the Waverly examining board, your committee believe that a generous and grateful Government can and should afford the relief asked for, regardless of the formal dishonorable discharge, and therefore recommend the passage of the bill, the objections of the President to the contrary, notwithstanding.

The views of the minority will be submitted hereafter.

MRS. CATHARINE M'CARTY.

Mr. MATSON. I desire to call up the bill (H. R. 5603) granting a pension to Mrs. Catharine McCarty, and ask for its present consideration, with the message of the President stating his objections. I ask that the report be read, and also the views of the minority.

The report and the views of the minority, heretofore printed in the RECORD, were read.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, agree to pass this bill? And on that the gentleman from Indiana [Mr. MATSON] demands the previous question.

Mr. WEAVER, of Iowa. Mr. Speaker, I will say to the chairman of the Committee on Invalid Pensions that I desire an opportunity to explain this bill.

Mr. MATSON. I withdraw the demand for the previous question and yield five minutes to the gentleman from Iowa.

Mr. CONGER. Mr. Speaker, I desire to ask the chairman of the Committee on Invalid Pensions to yield us more time for the consideration of this question. It is only just to the gentlemen who have joined in making this report that they should have time to state their reasons for recommending the passage of the bill over the veto.

Mr. MATSON. The gentlemen who have joined in the report have stated their case in their own way in the report. The gentleman from Iowa who introduced the bill [Mr. WEAVER] asks five minutes and I have yielded him that time.

Mr. CONGER. The chairman knows very well, however, that there is not an opportunity in a report of this kind to state all the circumstances of a case.

Mr. MATSON. If the report does not state all the circumstances, that certainly is not the fault of the gentleman, who did not write the report. I yield five minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, I would like the close attention of the House during the few minutes that I am to speak.

Mr. BOUTELLE. I rise to a parliamentary inquiry. I wish to know whether, under the rules, fifteen minutes' debate are not allowed on each side?

The SPEAKER *pro tempore*. That time is allowed where there has been no debate, but in this case there has been the reading of the report, which is in the nature of debate.

Mr. BOUTELLE. Does the reading of the report, occupying eight minutes, cut off the whole thirty minutes allowed under the rule?

The SPEAKER *pro tempore*. The rule says that where there has been no debate there shall be thirty minutes allowed, fifteen minutes on each side; but the reading of the report is debate, and therefore this case does not come within the provisions of the rule.

Mr. BOUTELLE. It is not so understood by the House.

Mr. DINGLEY. That is rather a technical decision, Mr. Speaker.

Mr. PARKER. Mr. Speaker—

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WEAVER] has the floor.

Mr. WEAVER, of Iowa. Now, Mr. Speaker, this case had the careful consideration of the Committee on Invalid Pensions, and it passed the House. The veto message of the President has also had careful consideration, and the committee have reported this bill back with the recommendation that it do pass, the President's veto to the contrary notwithstanding. It is perfectly clear to my mind that this bill ought to pass. This soldier died while he was in the service. His widow is poor and has a large family on her hands. The circumstances attending the death must, however, control her right to a pension. In brief, they are these: The soldier was asked by one of his comrades to taste of some medicine which he had in a bottle. The soldier did taste of it and it killed him; that is all there is in this case. The medicine had been prepared for a sick soldier. It was not a case of suicide; it was purely an accident. I appeal to the soldiers present here on both sides of the House to say if they did not know in their own experience of a great many men who were killed accidentally while in the service by gunshots, and we all know that nobody ever raised a question about their widows being entitled to a pension. It would be a very hard rule, indeed, to say that this widow is not entitled to a pension under the circumstances.

This is exactly a case in which Congress ought to interfere. The widow is not entitled to a pension under the general law; by reason of its universality she is technically excluded. But the equities of the case are all with her, just as though her husband had died from any other cause than accidentally taking poison.

I think the House understands this case; and, with a proper understanding of it, I believe there is generosity and independence enough here (without intending to cast the least reflection upon the Executive) to insure the passage of this bill. The opinion of the President is the

opinion of one man. It has called this House and the committee to a careful reconsideration of the bill. Such careful re-examination has now been had—

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman a question before he closes. Is there any evidence in this case showing that the soldier had knowledge he was taking poison?

Mr. WEAVER, of Iowa. None at all. There is no evidence of any fault on his part, except that he placed confidence in a comrade who handed him the poison; and that was not a crime.

I appeal to this House to show to the country that we mean only to draw proper distinctions and that we intend to pension every one who presents an equitable claim for a pension. Suppose a physician had prescribed this medicine for this soldier and he had made a mistake in taking an overdose, would his widow be deprived of a just claim for a pension? Certainly not. Suppose somebody had poisoned a spring from which the soldier took a drink, would the widow be justly deprived of a pension? Certainly not. Here, the temptation being held out by a comrade, the soldier tasted this fluid and it killed him. Now, under these circumstances I see no reason on earth for depriving this widow of a pension, and I do not believe this House is disposed to do any such thing.

Mr. MATSON. Mr. Speaker, it is perhaps true, as the gentleman from Iowa [Mr. WEAVER] says, that the widow ought not to suffer for the negligence of her husband. She ought not to suffer on account of his negligence, unless she is claiming on account of his negligence. In this case she is claiming a pension because of her husband's death occasioned by his gross carelessness. This, it seems to me, concludes the case against her.

Mr. WEAVER, of Iowa. How could there be "gross carelessness" on the part of the soldier when his comrade held out the fluid to him, and he himself did not know what it was?

Mr. MATSON. Because his act of drinking that fluid had nothing whatever to do with his military duty; because he had no business whatever to taste the medicine; because the evidence shows he thought it was whisky he was drinking; and because he drank a great deal more than a mere taste of it, or it would not have killed him.

Mr. CUTCHEON. Does the gentleman know how much of the fluid extract of colchicum suffices to kill a man?

Mr. MATSON. I do not.

Mr. CUTCHEON. Half a teaspoonful will do it.

Mr. WEAVER, of Iowa. Every physician or other person having knowledge of this medical preparation knows that to the taste it is pleasant and apparently harmless. So far as the taste is concerned, it is like ordinary wine; and this man could not tell whether it was a deadly poison or not. Half a teaspoonful of that fluid, I am assured, is sufficient to cause death.

Mr. MATSON. Still, it is the fact that the soldier in drinking that liquid was not in the line of his duty. He was grossly careless in tasting it at all, simply because he was asked to taste it. More than that, he was told, as the evidence in the case shows, that it had a very peculiar taste and a very peculiar smell. He was put on his guard. After sufficient notice or warning he recklessly drank enough to kill him. He certainly was guilty of very gross negligence; and his widow is now claiming a pension because of his gross negligence. I am disposed to be as liberal, I trust and believe, toward the soldiers' widows of this country as any one ought to be; but when a widow claims a pension on account of her husband's recklessness, she must suffer the consequences of the reckless act of her husband.

Mr. WEAVER, of Iowa. There stands beside me a celebrated physician of this country, now a member of this House, the gentleman from New York [Mr. SWINBURNE]; and he will tell the chairman of the Committee on Invalid Pensions that a glass of sherry wine and a glass of the fluid extract of colchicum are so similar to the taste that an inexperienced person could not tell the difference between them.

Mr. SWINBURNE assented.

Mr. MATSON. That may be true; I do not know anything about it. Still the fact remains that the act of the soldier in drinking that fluid had nothing whatever to do with his military duty. He was killed outside of the line of his duty just as much as if he had been engaged in some business in which he had no right to be engaged. There can not be any question about this case. More than that, as is stated in the minority report, Hon. Wayne MacVeagh, when Attorney-General of the United States, gave an opinion on this case, showing clearly that under the circumstances stated the widow could not have a claim for a pension.

Mr. WEAVER, of Iowa. We concede that under the general law there is no right to a pension.

Mr. MATSON. There is no right under any law.

Mr. WEAVER, of Iowa. But there is under the equities of the case.

Mr. MATSON. No; not under the equities.

Mr. HENDERSON of Iowa. Suppose that the soldier had been accidentally shot in the camp?

Mr. MATSON. That would be a different case altogether.

Mr. HENDERSON, of Iowa. Can you discover any real difference in principle?

Mr. MATSON. I can. If the soldier had been shot while in camp, while engaged in the line of his duty and as a result of the pursuit of duty, his widow would undoubtedly be entitled to a pension.

Mr. WEAVER, of Iowa. Substantially the fact here is that this soldier's comrade did shoot him—not with a gun but with poison.

Mr. MATSON. The comrade did not "shoot him;" this soldier took the poison himself.

Mr. WEAVER, of Iowa. But he took it under false pretenses; he supposed he was taking something harmless.

Mr. JOHNSTON, of Indiana. Will the gentleman from Indiana yield to me for a question?

Mr. MATSON. I will.

Mr. JOHNSTON, of Indiana. Let me inquire whether the gentleman from Indiana had those views when he reported this bill or whether he has entertained them only since the reception of the President's veto message?

Mr. MATSON. I do not remember anything about the bill; whether I was present or not I can not say; but whether I was or not does not make any difference to me. When I come to reconsider a case, if I find I am wrong I have sense enough to see it, and if on examination I find I am wrong I will say so.

Mr. WEAVER, of Iowa. You were right then but wrong now.

Mr. MATSON. It may be a mere difference of opinion. Now, Mr. Speaker, I demand the previous question.

Mr. BURROWS. Mr. Speaker, I rise to a parliamentary inquiry.

Mr. CANNON. Let me first ask a question. The other day we passed a Mexican pension bill putting the widows of Mexican soldiers on the pension-roll without reference to disability.

Mr. CUTCHEON. Without reference to service.

Mr. CANNON. Does not the gentleman think it is quite as proper for us to put this unfortunate woman, the widow of a soldier, upon the pension-roll under the circumstances which have been stated?

Mr. MATSON. In reply to that question of the gentleman from Illinois, all I have to say is that what may be proper to do under general legislation it may be improper to do in special cases.

Mr. CUTCHEON. The reverse exactly is the truth.

Mr. MATSON. When you come to put all the widows of the last war on the pension-roll without regard to the cause of the death of the soldier, you present an entirely different question from selecting out one widow who can not trace her husband's death as having been caused in the service. That is an entirely different question.

Mr. HENDERSON, of Iowa. He would have been supporting her now if he had not been in the service.

Mr. BURROWS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. MILLS in the chair). The gentleman will state it.

Mr. BURROWS. My parliamentary inquiry is in reference to the question of recognition. This is the second veto message upon which we have been called to vote, and in both instances the gentleman from Indiana has taken the floor and demanded the previous question.

The SPEAKER *pro tempore*. That has been because he is the chairman of the Committee on Invalid Pensions.

Mr. BURROWS. I have not yet stated the whole question. When a gentleman on the part of a committee takes charge of a matter it is supposed he is a member of the majority of the committee which has signed the report in favor of the bill, but when it turns out that he does not belong to the majority of the committee but has on the contrary signed the views of the minority, I submit, then, as a matter of parliamentary practice, that some member on the part of a majority of the committee which makes the report should first be recognized for the purpose of demanding the previous question and not any gentleman who has signed the views of the minority. Hereafter I hope the Chair will recognize some one who signs the majority report. [Cries of "Vote!"]

Mr. CUTCHEON. Every bill should be in the hands of its friends and not in the hands of its enemies.

Mr. BURROWS. Some one should be recognized who represents not the views of the minority but the views of the majority.

Mr. REED, of Maine. I submit this is a serious question, because the member who is recognized by the Chair is the one who is entitled to call for the previous question, and therefore regulates in the first instance the debate. It is a very important privilege and ought not to be granted to any one opposed to the bill. It is not pretended that the gentleman from Indiana represents the majority in this matter.

The SPEAKER *pro tempore*. It has been the parliamentary custom to recognize the chairman of the committee which makes the report.

Mr. BOUTELLE. He did not make the report at all.

Mr. HENDERSON, of Iowa. The gentleman does not say he represents the majority of the committee.

Mr. BOUTELLE. But, on the contrary, he is opposed to the report of the majority.

Mr. CUTCHEON. Why should he have the control when he says himself that he is opposed to it?

The SPEAKER *pro tempore*. Does the gentleman appeal from the decision of the Chair?

Mr. CUTCHEON. I do.

Mr. WEAVER, of Iowa. I wish to say one word. The SPEAKER *pro tempore*. Gentlemen will take their seats.

Mr. McMILLIN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McMILLIN. I make the point of order that no appeal from the decision of the Chair on the question of recognition can be taken.

Mr. SPRINGER. I say very frankly, while I do not agree with the Chair, that the gentleman from Indiana [Mr. MATSON] is entitled to make the report, although he was in the minority, and that it is a question this House has nothing to do with. The Speaker recognized him, and recognized him to move the previous question, and therefore he had a right to make the motion, and that is all there is of it.

Mr. CANNON. No Chair can do that thing with impunity or without a protest.

Mr. SPRINGER. It is not a question that comes before the House at all.

I will vote with you gentlemen against ordering the previous question, so that a member representing the majority report may be recognized to control the debate thereafter. That is the only way to do it. You can not appeal from the decision of the Chair on a question of recognition.

Mr. REED, of Maine. I thought the House would not permit a matter of this kind to be controlled by a man who has not the affirmative of the question. I do not think the ordinary parliamentary proceedings would justify it; and I am glad to see the gentleman from Illinois has come to the rescue of the proprieties on this occasion.

Mr. BLAND. But there was no objection to the recognition. When the gentleman from Indiana rose, that was the time to make the objection. It is now too late.

Mr. WEAVER, of Iowa. I want to make a remark. I appeal to the members of the House in disposing of this question to leave party out of the question. It is no party question; it is only whether this poor widow shall have the pension or not.

The SPEAKER *pro tempore*. The question is upon the appeal from the decision of the Chair.

Mr. SPRINGER. I hope the Chair will not entertain the appeal.

Mr. McMILLIN. I have already made the point of order that the Chair can not entertain such an appeal. There is not an instance on record where such a thing has been done under such circumstances.

Mr. SPRINGER. I hope the gentleman from Michigan will withdraw the appeal.

Mr. CUTCHEON. It is not a question of recognition at all, but the right of a man who signed a minority report to take control of a bill as against the majority of the committee. I do not want a minority to succeed in cutting the throat of a bill reported by a majority of the committee in this manner. It is against that that I enter my protest.

Mr. RANDALL. Mr. Speaker, I submit that the gentleman from Indiana who is chairman of the Committee on Invalid Pensions was permitted to make this report by consent of the majority of this committee, and that no one has a right to complain of his being recognized in that relation.

Mr. BURROWS. But it was supposed when he made the report that he was in favor of it. It turns out now, before we are through with the question, that the gentleman who made the report and held out to the House that he was in favor of it signed a minority report. That report was read, and immediately thereupon he demanded the previous question.

Mr. MATSON. How did the gentleman from Michigan get the idea that I favored either of these bills?

Mr. BURROWS. Why, that was the understanding clearly on the floor.

Mr. MATSON. How? By simply calling them up?

Mr. BURROWS. Certainly.

Mr. MCKINLEY. Mr. Speaker, I ask the indulgence of the House for one moment on this subject. I ask to read from page 328 of the Manual:

By parliamentary courtesy the member upon whose motion a subject is brought before the House is first entitled to the floor. So, too, it is an invariable practice of the Speaker, at every new stage of a bill, or proposition, to recognize first the member who has had charge of it, even if another member addressed him first, provided he is competitor for the floor.

Now, I am quite sure that the gentleman occupying the chair to-day wants to do no injustice to the rules of the House or to the parliamentary rules of procedure which govern all parliamentary bodies. I hope he will reconsider the decision and recognize some gentleman who favors the proposition before the House.

Mr. RANDALL. If I understand the condition of the question, no one else was recognized or was seeking recognition. There was no other competitor of the chairman of the Committee on Invalid Pensions who called the bill up.

Mr. HOLMES. I desire to say that I was a competitor. It was my bill; and further I want to say that the preceding bill, which came before the House in the same manner, the same minority, reported in the same words almost that they used in this bill, was unfairly treated by cutting off debate; and I want to show the pernicious effects of that ruling. Now, can the chairman of the committee get

up and cut off debate, only allowing it, so far as he is concerned, saying we should not have further debate, after first agreeing in open House that debate may be had upon such points as any member wished to address to the House, and yet when I signify my desire to discuss the matter he demanded the previous question? Even after that he allowed a gentleman on the Democratic side to get up and make remarks after the previous question was called, but allows no explanation of the preceding bill involving the same points.

Mr. BLAND. I want to ask the gentleman, so as to have an understanding on this point, did he claim the floor as against the chairman?

Mr. HOLMES. I had a right to the floor.

Mr. RANDALL. But you did not assert it.

Mr. HOLMES. I asserted my right and tried to get it; but the previous question was sustained, and by a failure to secure an explanation of some of the facts in connection with the bill it was probably lost.

The SPEAKER *pro tempore*. The gentleman was not entitled to the floor only by the courtesy of the Chair, for the reason that the Chair then had the floor to state the pending question.

The Chair will again state his understanding of the parliamentary law to be that the majority, as organized on the floor, have the right to bring in and take control of measures, and as soon as it is demonstrated by a vote on the floor that a majority is against the party proposing the measure, it is the duty of the Chair to recognize a gentleman then acting with the majority.

Mr. REED, of Maine. What party does the Speaker refer to?

The SPEAKER *pro tempore*. The majority party.

Mr. REED, of Maine. Political party?

The SPEAKER *pro tempore*. The majority party.

Mr. REED, of Maine. Political party?

The SPEAKER *pro tempore*. The majority party as demonstrated by a vote on the question.

Mr. BOUTELLE. There has been no vote on this question.

Mr. REED, of Maine. But the gentleman from Iowa [Mr. CONGER] represented the majority party. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is: Shall the decision of the Chair stand as the judgment of the House?

The question being put, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BOUTELLE. I call for a division.

Mr. REED, of Maine, and others. What is the question we are voting on?

The House again divided; and there were—ayes 93, noes none.

Mr. REED, of Maine. No quorum.

Mr. PERKINS. When the Chair has not the courtesy to state the proposition to the House, how can we vote?

Mr. BURROWS. We tried to get from the Chair a statement of what was the question.

The SPEAKER *pro tempore*. The question was on an appeal from a decision of the Chair.

Mr. PETTIBONE. We did not hear it.

Mr. BURROWS. What was the pending motion? Was there not a motion to lay the appeal on the table?

The SPEAKER *pro tempore*. The Chair does not remember.

Mr. BURROWS. That was the motion that was made.

The SPEAKER *pro tempore*. The question was on sustaining the decision of the Chair, and that was the question submitted. The gentleman from Indiana [Mr. MATSON] has demanded the previous question. As many as are in favor—

Mr. CANNON. The point of no quorum was made.

Mr. BURROWS. The point was made on the last vote that no quorum had voted.

Mr. PAYNE. As I understand, the last vote was on the question of sustaining the decision of the Chair. No quorum voted, and the question of no quorum was raised.

The SPEAKER *pro tempore*. There was so much confusion in the House that the Chair did not understand that the point of no quorum was insisted on. The Chair will order tellers, and appoints the gentleman from Michigan [Mr. BURROWS] and the gentleman from Indiana [Mr. MATSON].

Mr. BURROWS (one of the tellers). On what question is the House now to vote?

The SPEAKER *pro tempore*. On the question whether the decision of the Chair shall stand as the judgment of the House.

Mr. CANNON. What was the decision of the Chair?

The SPEAKER *pro tempore*. The question is: Shall the decision of the Chair stand as the judgment of the House?

Mr. CANNON. I rise to a parliamentary inquiry.

Mr. CRISP. The House is dividing. I call for the regular order.

Mr. CANNON. I desire to make a parliamentary inquiry, and also to raise a point of order. I want to know what the decision of the Chair was?

The SPEAKER *pro tempore*. The decision of the Chair was that the gentleman from Indiana [Mr. MATSON] had control of the measure, and the Chair recognized the gentleman from Indiana to call up and

conduct the progress of the bill as it passed through the House; from which decision an appeal was taken.

Mr. REED, of Maine. The Chair, as I understand, did not make the decision, but merely answered a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair gave a decision, and an appeal was taken from it by the gentleman from Michigan [Mr. BURROWS].

Mr. REED, of Maine. The Chair merely answered a parliamentary inquiry.

The House again divided; and the tellers reported—ayes 91, noes none.

Mr. WEAVER, of Iowa. I hope there will be no more filibustering on this pension bill. Let gentlemen come forward and vote.

Mr. BURROWS. I do not insist on the point of no quorum.

The SPEAKER *pro tempore*. The "ayes" have it, and the decision of the Chair is sustained by the House.

Several members called "No quorum!"

Mr. MATSON. I want to say a word about this before we proceed any further. [Cries of "Regular order!"] I want to explain the reason— [Cries of "Regular order!"] I rise to a parliamentary inquiry. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The House will come to order. Gentlemen will be seated.

Mr. MATSON. I desire to make a parliamentary inquiry. Has the previous question been ordered?

The SPEAKER *pro tempore*. The previous question has been demanded but a quorum did not vote.

Several MEMBERS. There was no vote taken on that question.

Mr. MATSON. I ask the indulgence of the House for a few moments—

Mr. REED, of Maine. You can withdraw the demand for the previous question.

Mr. MATSON. I do so for the purpose of saying this— [Cries of "Regular order!"]

Mr. BLAND. I rise to make a privileged motion. I move that the House do now adjourn.

Mr. WEAVER, of Iowa. I hope that will be voted down.

The House divided; and there were—ayes 39, noes 94.

So the House refused to adjourn.

Mr. BLAND. I move that the House take a recess until 8 o'clock. We are doing nothing and there is no disposition to do anything.

Mr. RANDALL. I think a little calmness on both sides may bring us to an amicable result.

The motion for a recess was not agreed to.

Mr. REED, of Maine. The parliamentary law about this matter is perfectly clear if we do not confuse it. It is that the member who represents a majority of the committee has a right to be recognized to control a measure until the House indicates the contrary by its vote.

Mr. RANDALL. I ask the gentleman from Maine whether in this instance the gentleman from Indiana [Mr. MATSON] was not without competitor recognized as exponent of the committee?

Mr. REED, of Maine. I can not answer that question.

Mr. BROWNE, of Indiana, addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] has the floor.

Mr. REED, of Maine. This question arose from the answer which the Chair gave to a parliamentary inquiry made by the gentleman from Michigan [Mr. CUTCHEON]. That answer, I think, was not in accordance with what I have stated to be the parliamentary law, and which, I think, will generally be agreed to be the parliamentary law on the subject. It was upon that statement that the confusion arose as to whether the gentleman from Indiana [Mr. MATSON] was recognized without a competitor or not.

Mr. RANDALL. As he had been in all the prior cases.

Mr. REED, of Maine. But it is very undesirable that such a statement as that should go as the decision of the Chair and sanctioned as the decision of the House. And I think upon reflection, especially after what has been read by the gentleman from Ohio [Mr. MCKINLEY], the Chair will see that the parliamentary proprieties and parliamentary rules require that the member who represents the majority of the committee should be recognized if there is a competition. And it is very possible that there may have been a misunderstanding on the part of the Chair as to the question, or a temporary misunderstanding as to parliamentary law. We want to get out of this in some sensible sort of way, and we want to do it in accordance with well-known and well-understood parliamentary law. I ask the gentlemen on the other side if I have missated the rule.

Mr. RANDALL. Let us say a word on the other side. The Chair had recognized the gentleman from Indiana [Mr. MATSON] on all these veto cases, as far as I recollect, without controversy.

Mr. CONGER. If the gentleman will permit me, as the member of the Committee on Invalid Pensions who made this report, I had been seeking recognition of the Chair on the bill that was called up before, and as soon as it was disposed of I attempted to attract the attention of the Chair.

The SPEAKER *pro tempore*. The Chair first recognized the chair-

man of the Committee on Invalid Pensions, and he yielded to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Then, after the chairman of the Committee on Invalid Pensions was recognized to call up this bill, I asked that he give time to this side of the House for its discussion, which he refused.

Mr. RANDALL. As I understand the fact, since these cases began to be taken up for consideration the chairman of the Committee on Invalid Pensions has been recognized. In pursuance of that, the Chair again recognized him on this bill. Now, if the chairman of the committee does not represent the majority that fact will be developed immediately.

Mr. REED, of Maine. But does not the gentleman from Pennsylvania [Mr. RANDALL] agree with me as to the parliamentary rule with regard to recognition by the Chair?

Mr. RANDALL. I agree with you exactly in this, that we ought to get out of this tangle; but I do not agree with you in any act or any word which would reflect upon the Chair as not following the parliamentary rule.

The SPEAKER *pro tempore*. The Chair has no pride in this matter at all. The Chair wants to do what is right.

Mr. RANDALL. I know that.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON], as chairman of the Committee on Invalid Pensions, the Chair thinks, ought to have control of the bills called up by that committee in the House.

Mr. LONG. Even if he does not represent the majority of the committee?

The SPEAKER *pro tempore*. If he calls up a bill as to which he is in the minority, he can yield to some member of the committee who is in the majority; but how can the Chair know, when the gentleman calls up a bill, whether he is in the minority or not?

Mr. REED, of Maine. I submit that the Chair can not know that in advance, but when another gentleman seeks recognition and the fact becomes apparent that the majority is the other way, then, according to parliamentary usage, the Chair is bound to recognize that gentleman. I am aware—and probably that is what has misled the Chair in this matter—that it is the custom when a bill belonging to a particular committee is called up, for the chairman of that committee to take the floor and yield it to some other member of the committee who may have the bill specially in charge; but when there is a case of dispute as to who represents the majority of the committee, or rather when the fact is clearly developed that the chairman does not represent the majority, then he is not entitled to control the floor, because the principle of parliamentary law governs that a man ought to be allowed to manage the case which he is in favor of until the House manifests itself against it, when the control passes to the other side.

Now, I desire above all things not to have anything occur here in the nature of a personal reflection upon the Chair, though I do not suppose the Chair cares anything about it.

The SPEAKER *pro tempore*. The Chair can stand it.

Mr. REED, of Maine. This is one of those mistakes that sometimes occur in the hurly-burly of the proceedings of the House, and we desire to rectify it by going back to the sound principle which ought to govern in such cases.

Mr. BURROWS. Let me say further in this connection that in this case the Chair had no difficulty in determining that the chairman of the Committee on Invalid Pensions did not represent the majority, because as soon as the report and the views of the minority were read it became apparent to the Chair and to the House that the chairman belonged to the minority of the committee.

Mr. BLAND. I think the trouble arose in this way: The Speaker had been recognizing the chairman of the Committee on Invalid Pensions in all these cases and no other gentleman on the committee had claimed the floor until this controversy came up, but then the claim was made.

Mr. REED, of Maine. The gentleman from Iowa [Mr. CONGER] had claimed the floor.

Mr. BLAND. Then after the Speaker had recognized the gentleman from Indiana [Mr. MATSON] the gentleman from Michigan arose—

Mr. HOLMES. Mr. Speaker, I wish to say that the gentleman from Pennsylvania [Mr. RANDALL] labors under an error in this matter. The fact is that the gentleman from Iowa [Mr. CONGER] who represented the majority of the committee on this bill, and had the bill in charge, sought to obtain the floor before the chairman was recognized at all, and had promised to yield to me. Therefore, I say the gentleman from Pennsylvania [Mr. RANDALL] is in error in asserting that nobody had claimed the floor in antagonism to the chairman of the Committee on Invalid Pensions.

Mr. REED, of Maine. Now, Mr. Speaker, I suggest as a way to get out of this difficulty that the gentleman from Indiana [Mr. MATSON] withdraw his demand for the previous question and turn the case over to the gentleman from Iowa [Mr. CONGER], who represents the majority of the committee.

Mr. SPRINGER. I suggest that my friend from Indiana, in a spirit of conciliation, yielding the questions that have been raised here as having arisen under a misapprehension, had better withdraw his de-

mand for the previous question and let the gentleman from Iowa [Mr. CONGER] be recognized, and that will relieve the whole difficulty.

Mr. REED, of Maine. Yes; that will do it.

Mr. MATSON. I withdrew the demand for the previous question a while ago, and asked to be heard for a minute; but that side of the House hooted me down and would not listen to me. I will not withdraw it until I have had an opportunity to say how and why I took the lead in this matter.

Now, Mr. Speaker, if the gentlemen are willing to hear what I have to say—and nearly everybody has had his say in relation to this matter except me—I am perfectly willing to withdraw the demand for the previous question.

Mr. CUTCHEON. I rise to a point of order.

Mr. MATSON. Mr. Speaker, about one week ago—

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry. I have a right to know, and I insist on my right to know, whether the demand for the previous question has been withdrawn or not.

Mr. MATSON. I have not withdrawn it.

Mr. GROSVENOR. I demand the regular order until it is withdrawn.

Mr. MATSON. Then upon the gentleman from Ohio is the responsibility for refusing to consider these pension bills.

Mr. BLAND. I rise to a privileged motion. I move that the House adjourn.

The SPEAKER *pro tempore*. The House will be in order. The Chair has sustained the point made by the gentleman from Ohio.

Mr. BLAND. I move that the House do now adjourn.

The motion of Mr. BLAND was not agreed to.

The question being taken on ordering the previous question, there were—ayes 83, noes 105.

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

Mr. SPRINGER. I hope that will not be insisted upon.

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

The yeas and nays were ordered.

Mr. TOWNSHEND. Will the Chair state the question?

The SPEAKER *pro tempore*. The question is on ordering the previous question upon the passage of the bill, notwithstanding the objections of the President.

The question was taken; and it was decided in the affirmative—yeas 117, nays 111, not voting 94; as follows:

YEAS—117.

|                        |                  |             |                   |
|------------------------|------------------|-------------|-------------------|
| Allen, J. M.           | Dargan.          | Kleiner,    | Seymour,          |
| Anderson, C. M.        | Davidson, A. C.  | Laffoon,    | Shaw,             |
| Ballentine,            | Dibble,          | Landes,     | Singleton,        |
| Barnes,                | Dougherty,       | Lanham,     | Skinner,          |
| Barry,                 | Dowdney,         | Lawler,     | Sowden,           |
| Belmont,               | Dunn,            | Lovering,   | Stahlnecker,      |
| Bennett,               | Eden,            | Lowry,      | Stewart, Charles  |
| Blanchard,             | Eldredge,        | Martin,     | St. Martin,       |
| Bland,                 | Ellsberry,       | Matson,     | Stone, W. J., Ky. |
| Bliss,                 | Ermentrout,      | McAdoo,     | Stone, W. J., Mo. |
| Blount,                | Fisher,          | McCreary,   | Swope,            |
| Boyle,                 | Ford,            | McMillin,   | Taube,            |
| Bragg,                 | Forney,          | McRae,      | Taylor, J. M.     |
| Breckinridge, C. R.    | Gay,             | Merriman,   | Tillman,          |
| Breckinridge, W. C. P. | Gibson, C. H.    | Mills,      | Townshend,        |
| Bynum,                 | Glass,           | Morgan,     | Trigg,            |
| Cabell,                | Green, R. S.     | Morrison,   | Turner,           |
| Candler,               | Hale,            | Murphy,     | Van Eaton,        |
| Carleton,              | Halsell,         | Neal,       | Wallace,          |
| Catchings,             | Harris,          | Neece,      | Ward, T. B.       |
| Clardy,                | Hatch,           | Oates,      | Wellborn,         |
| Clements,              | Hemphill,        | Peel,       | Wheeler,          |
| Cobb,                  | Henderson, J. S. | Perry,      | Willis,           |
| Compton,               | Herbert,         | Randall,    | Wilson,           |
| Comstock,              | Holman,          | Reagan,     | Winans,           |
| Crisp,                 | Howard,          | Reid, J. W. | Wise,             |
| Croxton,               | Hutton,          | Richardson, | Worthington.      |
| Culberson,             | Irion,           | Sadler,     |                   |
| Curtin,                | Johnston, T. D.  | Sayers,     |                   |
| Daniel,                | Jones, J. H.     | Scott,      |                   |

NAYS—111.

|                 |                  |                 |                 |
|-----------------|------------------|-----------------|-----------------|
| Adams, G. E.    | Farquhar,        | Johnston, J. T. | Rockwell,       |
| Adams, J. J.    | Fleeger,         | Kelley,         | Romeis,         |
| Allen, C. H.    | Foran,           | La Follette,    | Rowell,         |
| Atkinson,       | Fuller,          | Laird,          | Ryan,           |
| Baker,          | Funston,         | Lindsley,       | Sawyer,         |
| Bingham,        | Geddes,          | Long,           | Smalls,         |
| Bound,          | Giffilan,        | Lyman,          | Spooner,        |
| Boutelle,       | Glover,          | Markham,        | Springer,       |
| Brady,          | Goff,            | McComas,        | Stephenson,     |
| Browne, T. M.   | Grosvenor,       | McKenna,        | Struble,        |
| Brown, C. E.    | Grout,           | McKinley,       | Swinburne,      |
| Brown, W. W.    | Harmer,          | Millard,        | Taylor, I. H.   |
| Brumm,          | Hayden,          | Moffatt,        | Taylor, Zach.   |
| Buchanan,       | Haynes,          | Morrill,        | Thomas, O. B.   |
| Bunnell,        | Henderson, D. B. | Morrow,         | Thompson,       |
| Burleigh,       | Henderson, T. J. | Osborne,        | Wade,           |
| Burrows,        | Hepburn,         | Owen,           | Wadsworth,      |
| Butterworth,    | Hermann,         | Parker,         | Wait,           |
| Campbell, J. M. | Hiestand,        | Payne,          | Warner, William |
| Cannon,         | Hill,            | Paxton,         | Weaver, A. J.   |
| Conger,         | Hires,           | Perkins,        | Weaver, J. B.   |
| Cutcheon,       | Hiscock,         | Peters,         | Weber,          |
| Davis,          | Hitt,            | Pettibone,      | West,           |
| Dingley,        | Holmes,          | Pirce,          | White, A. C.    |
| Dorsey,         | Hopkins,         | Plumb,          | White, Milo     |
| Dunham,         | Jackson,         | Price,          | Wilkins,        |
| Ely,            | James,           | Reed, T. B.     | Wolford,        |
| Everhart,       | Johnson, F. A.   | Rice,           |                 |

NOT VOTING—94.

|                    |                 |                  |                |
|--------------------|-----------------|------------------|----------------|
| Aiken,             | Felton,         | Mahoney,         | Seney,         |
| Anderson, J. A.    | Findlay,        | Maybury,         | Sessions,      |
| Arnot,             | Frederick,      | Miller,          | Snyder,        |
| Barbour,           | Gallinger,      | Milliken,        | Spriggs,       |
| Barksdale,         | Gibson, Eustace | Mitchell,        | Steele,        |
| Bayne,             | Green, W. J.    | Muller,          | Stewart, J. W. |
| Beach,             | Guenther,       | Negley,          | Stone, E. F.   |
| Buck,              | Hall,           | Nelson,          | Storm,         |
| Burnes,            | Hammond,        | Norwood,         | Strait,        |
| Caldwell,          | Hanback,        | O'Donnell,       | Symes,         |
| Campbell, Felix    | Heard,          | O'Ferrall,       | Tarsney,       |
| Campbell, J. E.    | Henley,         | O'Hara,          | Taylor, E. B.  |
| Campbell, T. J.    | Hewitt,         | O'Neill, Charles | Thomas, J. R.  |
| Caswell,           | Houk,           | O'Neill, J. J.   | Throckmorton,  |
| Collins,           | Hudd,           | Outhwaite,       | Tucker,        |
| Cooper,            | Jones, J. T.    | Phelps,          | Van Schaick,   |
| Cowles,            | Ketcham,        | Pidcock,         | Viele,         |
| Cox,               | King,           | Pindar,          | Wakefield,     |
| Crain,             | Le Fevre,       | Ranney,          | Ward, J. H.    |
| Davenport,         | Lehlibach,      | Reese,           | Warner, A. J.  |
| Davidson, R. H. M. | Libbey,         | Riggs,           | Whiting,       |
| Dawson,            | Little,         | Robertson,       | Woodburn.      |
| Dockery,           | Lore,           | Rogers,          |                |
| Evans,             | Louttit,        | Scranton,        |                |

So the previous question was ordered.

Mr. GUENTHER. I am paired on all political questions with the gentleman from New York [Mr. MULLER]. I have voted, but have since come to the conclusion that this is a political question. I therefore withdraw my vote.

The following additional pairs were announced:

Mr. HUDD with Mr. WHITING, on this vote.

Mr. COWLES with Mr. JOHNSTON, of Indiana, for this day, not to include the vote on pension bills.

Mr. LORE with Mr. O'NEILL, of Pennsylvania, until Monday next.

The following members were announced as paired for the rest of the day:

Mr. MAHONEY with Mr. STEWART, of Vermont.

Mr. DAVIDSON, of Florida, with Mr. KETCHAM.

Mr. CALDWELL with Mr. COOPER.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The previous question having been ordered, the question is now on the passage of this bill notwithstanding the objections of the President. Before putting the question the Chair desires to make a statement.

The Chair had been recognizing the gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions, to indicate what pension bills should be taken up and to conduct the proceedings of the House thereon. The gentleman from Indiana had called up the pending bill and was proceeding with its management when a point of order was made or a parliamentary question asked in regard to the right of the gentleman from Indiana to recognition. The Chair at the time did not comprehend exactly the import of that question. The Chair thought the point made was as to the propriety of recognizing the gentleman from Indiana every time to call up these bills, and did not understand the point to be that the gentleman from Indiana, representing in this case a minority of the committee, had no right to make a report to the House; that only the majority of the committee can make an official report, the minority being recognized merely by the courtesy of the House to submit their views. If the Chair had comprehended the real issue raised, the ruling would have been different, but the confusion in the House was so great that the point did not get into the head of the Chair at the proper time. [Laughter.]

The Chair now rules that decision was wrong and retracts it. [Applause.] Hereafter when the majority makes a report the Chair will recognize a member of the majority to conduct the business of the House.

Mr. HOLMES. I ask the proposition of the gentleman from Illinois [Mr. SPRINGER] be adopted by unanimous consent, and we go back to the preceding bill and allow a statement to be made to the House.

The SPEAKER *pro tempore*. This bill is not through with.

Mr. BLAND. I demand the regular order. The Chair was right, as no one claimed the floor on that bill.

The SPEAKER *pro tempore*. The question is, Will the House, on reconsideration, pass the bill, notwithstanding the objections of the President?

On that question the Constitution requires the vote to be taken by yeas and nays.

The question was taken; and it was decided in the negative—yeas 124, nays 97, not voting 101; as follows:

YEAS—124.

|                 |                 |            |                  |
|-----------------|-----------------|------------|------------------|
| Adams, G. E.    | Bunnell,        | Eldredge,  | Goff,            |
| Allen, C. H.    | Burleigh,       | Ellsberry, | Grosvenor,       |
| Anderson, C. M. | Burrows,        | Ely,       | Grout,           |
| Atkinson,       | Butterworth,    | Evans,     | Hale,            |
| Baker,          | Campbell, J. M. | Everhart,  | Harmer,          |
| Bingham,        | Cannon,         | Farquhar,  | Hayden,          |
| Bound,          | Carleton,       | Fleeger,   | Haynes,          |
| Boutelle,       | Comstock,       | Foran,     | Henderson, D. B. |
| Browne, T. M.   | Conger,         | Frederick, | Henderson, T. J. |
| Brown, C. E.    | Cutcheon,       | Fuller,    | Hepburn,         |
| Brown, W. W.    | Davis,          | Finston,   | Hermann,         |
| Brummin,        | Dingley,        | Geddes,    | Hiestand,        |
| Buchanan,       | Dunham,         | Giffilan,  | Hill,            |

|                 |           |               |                 |
|-----------------|-----------|---------------|-----------------|
| Hires,          | McKenna,  | Pettibone,    | Taylor, Zach.   |
| Hiscock,        | McKinley, | Pirce,        | Thomas, O. B.   |
| Hitt,           | Merriman, | Plumb,        | Thompson,       |
| Holmes,         | Millard,  | Price,        | Townshend,      |
| Hopkins,        | Milliken, | Reed, T. B.   | Wade,           |
| Howard,         | Moffatt,  | Rice,         | Wadsworth,      |
| Jackson,        | Morrill,  | Rockwell,     | Wait,           |
| James,          | Morrow,   | Romeis,       | Warner, William |
| Johnston, J. T. | Murphy,   | Rowell,       | Weaver, A. J.   |
| Kleiner,        | Neece,    | Ryan,         | Weaver, J. B.   |
| La Follette,    | Nelson,   | Sawyer,       | Weber,          |
| Laird,          | Osborne,  | Smalls,       | West,           |
| Landes,         | Owen,     | Spooner,      | White, A. C.    |
| Lindsley,       | Parker,   | Stephenson,   | White, Milo     |
| Long,           | Payne,    | Strait,       | Wilkins,        |
| Lyman,          | Payson,   | Struble,      | Wolford,        |
| Markham,        | Perkins,  | Swinburne,    | Woodburn,       |
| McComas,        | Peters,   | Taylor, I. H. | Worthington.    |

NAYS—97.

|                     |                  |             |                   |
|---------------------|------------------|-------------|-------------------|
| Allen, J. M.        | Dockery,         | Lanham,     | Skinner,          |
| Ballentine,         | Dougherty,       | Lawler,     | Sowden,           |
| Barry,              | Dowdney,         | Lovering,   | Springer,         |
| Belmont,            | Dunn,            | Martin,     | Stahlnecker,      |
| Bennett,            | Eden,            | Matson,     | Stewart, Charles  |
| Blanchard,          | Ermentrout,      | McAdoo,     | St. Martin,       |
| Bland,              | Fisher,          | McCreary,   | Stone, W. J., Ky. |
| Bliss,              | Ford,            | McMillin,   | Stone, W. J., Mo. |
| Blount,             | Forney,          | McRae,      | Swope,            |
| Breckinridge, C. R. | Gay,             | Mills,      | Tanbee,           |
| Breckinridge, W. C. | Gibson, C. II.   | Morgan,     | Taylor, J. M.     |
| Burnes,             | Glass,           | Morrison,   | Tillman,          |
| Bynum,              | Green, R. S.     | Neal,       | Trigg,            |
| Cabell,             | Halsell,         | Oates,      | Turner,           |
| Clardy,             | Harris,          | Peel,       | Van Eaton,        |
| Clements,           | Hatch,           | Perry,      | Wallace,          |
| Cobb,               | Hemphill,        | Randall,    | Weilborn,         |
| Crisp,              | Henderson, J. S. | Reagan,     | Wheeler,          |
| Croxton,            | Herbert,         | Reid, J. W. | Willis,           |
| Culberson,          | Holman,          | Richardson, | Wilson,           |
| Curtin,             | Hutton,          | Sayers,     | Winans,           |
| Daniel,             | Irion,           | Scott,      | Wise.             |
| Dargan,             | Johnston, T. D.  | Seymour,    |                   |
| Davidson, A. C.     | Jones, J. H.     | Shaw,       |                   |
| Dibble,             | Laffoon,         | Singleton,  |                   |

NOT VOTING—101.

|                 |                    |                  |                |
|-----------------|--------------------|------------------|----------------|
| Adams, J. J.    | Davenport,         | Libbey,          | Sadler,        |
| Aiken,          | Davidson, R. H. M. | Little,          | Scranton,      |
| Anderson, J. A. | Dawson,            | Louttit,         | Seney,         |
| Arnot,          | Dorsey,            | Lowry,           | Sessions,      |
| Barbour,        | Felton,            | Mahoney,         | Snyder,        |
| Barksdale,      | Findlay,           | Maybury,         | Spriggs,       |
| Barnes,         | Gallinger,         | Miller,          | Stewart, J. W. |
| Bayne,          | Gibson, Eustace    | Mitchell,        | Stone, E. F.   |
| Beach,          | Glover,            | Muller,          | Storm,         |
| Boyle,          | Green, W. J.       | Negley,          | Symes,         |
| Brady,          | Guenther,          | Hall,            | Tarsney,       |
| Bragg,          | Hudd,              | Hammond,         | Taylor, E. B.  |
| Buck,           | Hanback,           | O'Donnell,       | Thomas, J. R.  |
| Caldwell,       | Heard,             | O'Ferrall,       | Throckmorton,  |
| Campbell, Felix | Henley,            | O'Hara,          | Tucker,        |
| Campbell, J. E. | Hewitt,            | O'Neill, Charles | Van Schaick,   |
| Campbell, T. J. | Houk,              | O'Neill, J. J.   | Viele,         |
| Candler,        | Hudd,              | Outhwaite,       | Wakefield,     |
| Caswell,        | Catchings,         | Phelps,          | Ward, J. H.    |
| Collins,        | Johnson, F. A.     | Pidcock,         | Ward, T. B.    |
| Compton,        | Jones, J. T.       | Pindar,          | Whiting,       |
| Cooper,         | Kelley,            | Ranney,          | Warner, A. J.  |
| Cowles,         | Ketcham,           | Reese,           |                |
| Cox,            | King,              | Riggs,           |                |
| Crain,          | Le Fevre,          | Robertson,       |                |
|                 | Lehlibach,         | Rogers,          |                |

So (two-thirds not voting in favor thereof) the bill was not passed. On motion of Mr. BROWNE, of Indiana, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. WARD, of Indiana, with Mr. WHITING, on this vote.

Mr. LOWRY with Mr. KELLEY, for the remainder of the day.

The result of the vote was then announced as above recorded.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills of the following titles without amendment:

A bill (H. R. 1580) for the relief of Emily B. Baker;  
A bill (H. R. 3363) granting a pension to Jennette Dow;  
A bill (H. R. 5705) granting a pension to Charles Wyant;  
A bill (H. R. 5921) granting an increase of pension to John Ryan;  
A bill (H. R. 6747) granting a pension to Mary A. Thomas; and  
A bill (H. R. 7193) granting a pension to Sarah A. Tucker.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 1531) granting increase of pension to William Winans;  
A bill (S. 2259) to increase the pension of Thomas Chapman;  
A bill (S. 2369) granting an increase of pension to William H. H. Price;  
A bill (S. 2562) granting a pension to Henry F. Kaiser;  
A bill (S. 2598) granting a pension to James Noyes; and  
A bill (S. 2705) granting a pension to Frank W. Tubbesing.

It further requested the return of the bill (H. R. 5093) for the relief of Mary E. Carey.

It further announced that the Senate insisted on its amendments numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appro-

piration for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House, and agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as managers of said conference on its part.

JOSEPH ROMISER.

Mr. MATSON. I now call up House bill 1059, to grant a pension to Joseph Romiser, and ask that it may be considered in connection with the President's message. In this connection I call for the reading of the report, which is unanimous.

Mr. MCCOMAS. Permit me to suggest to the chairman of the Committee on Invalid Pensions that as the report is unanimous I think it would be entirely acceptable to the House to have a statement by the gentleman who made the report, and then by the chairman of the Committee on Invalid Pensions as to the facts, which are few, and it would save the time occupied in the reading of the report and the affidavits, the report itself being quite lengthy.

Mr. MATSON. I apprehend that the best information the House could have would be the reading of the report. After that, if the gentleman from Kansas wishes to make a statement, and the gentleman from Maryland desires that I shall make a statement, I will do so.

Mr. MCCOMAS. These affidavits and the report are all printed in full in the RECORD of the 14th instant, and every member could have seen them on the day before yesterday. Many have already read the affidavits and the report. I am confident, if the chairman of the committee will allow me, that a brief statement of the gentleman who made the report, and then by the chairman of the committee, would be amply satisfactory.

Mr. MATSON. I am disposed to submit to the suggestion of the gentleman from Maryland.

Mr. REAGAN. That is, I suppose it is to be permitted to have a discussion of the bill by two persons who favor its passage and not to have the report read.

Mr. MATSON. I shall not ask the previous question if any gentleman desires to be heard. I withdraw the demand for the reading of the report, and yield five minutes to the gentleman from Kansas [Mr. MORRILL].

Mr. MORRILL. Mr. Speaker, I desire to call the attention of the House to two points in this case very briefly. First, I wish to say that it is unanimously reported from the Committee on Invalid Pensions, who have considered the case. The President in submitting his veto message had no papers before him upon which to base a proper conclusion in reference to the merits of the claim, as I shall now show. He vetoed it in fact because there were no papers furnished him to sustain it. The Pension Bureau reported that the records showed no application as having been made for a pension in this case. This happened not to be true.

The Committee on Invalid Pensions had before them the papers when they made the original report in that case, and returned those papers to the Pension Office on the 16th day of May. Afterward when the veto message came in they again sent for the papers and carefully examined them, and on those papers made the report. So the veto was based upon an entire misapprehension of the facts. I feel confident that if these papers had been before the President the veto message would never have been written.

The simple facts of the case, Mr. Speaker, are these: This gentleman belonged to a company of provisional volunteers raised in Frostburg, Md., in June, 1861. An attack was impending on the Union forces at Cumberland, Md., and the proper authorities called upon the provisional companies in the neighborhood to come to their relief.

The Union forces were then under the command of Col. Lew. Wallace, of the Eleventh Indiana Volunteers, and stationed at that point. This company, in obedience to the call, marched to Cumberland. After reaching that point, and while standing in the line facing the enemy with their arms in their hands, by the accidental discharge of a musket this man Joseph Romiser was terribly wounded in the head, the ball entering the back part of his head on the left side, passing through the head and coming out through the cheek under the left eye, entirely destroying the hearing of one ear and the sight of one of his eyes. It is true that he never was regularly mustered into the United States service, but it is also true that this Government has uniformly recognized the principle that any man wounded in its defense, whether mustered in or regularly enlisted, a citizen serving for the moment in the United States forces, would be entitled to relief under the pension laws. In 1866 a law was passed giving cases of this kind.

Mr. REAGAN. How long has such a principle been in force when a man was not in the service at all?

Mr. MORRILL. The law passed in 1866 provides that—

Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval forces of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service.

Mr. SOWDEN. On what grounds was this claim originally rejected at the Pension Office?

Mr. MORRILL. Because it was filed after the limitation had expired. The law of 1866 provided that all applications for pensions under it must be presented by or before 1868. In 1873 an act was passed extending the time for the presentation of such claims until July 4, 1874. Mr. Romiser failed to make application within the time, which was very limited. In 1879 he made his application, and the proof is overwhelming that the accident occurred as I have said. There is absolutely no question about the matter.

Mr. REAGAN. Then why did not the Department allow it?

Mr. MORRILL. Because he made it five years after the limitation had expired. The limitation for proving up these cases expired on the 4th of July, 1874. He did not know the law which was in force from 1868 to 1873.

Mr. LONG. Is it not the fact that the Department say they are "constrained to refuse?"

Mr. MORRILL. The Department in their refusal to grant the application say:

This office was constrained under the provisions of law, especially paragraph 4693 Revised Statutes, to reject the claim, applicant having never been regularly enrolled and having failed to make and complete his application prior to date of limitation established by said section, namely, July 4, 1874.

It has been the universal custom of Congress to grant pensions in cases of this kind. We have invariably at this session and in the preceding sessions of Congress granted pensions to the members of the Missouri militia who were wounded under similar circumstances. And more than that, the present President has signed bills of that kind.

Mr. REAGAN. In cases where the parties were wounded by accident?

Mr. MORRILL. Yes; where they were wounded by accident and not in battle.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MATSON. I yield the gentleman five minutes more.

Mr. MORRILL. I call to mind one or two cases where men were injured by the discharge of fire-arms in the hands of their own comrades. The President has signed bills of that kind.

It has never been a condition that men must be regularly mustered into the United States service in order to be entitled to pensions. It is only necessary to establish that he was serving in the defense of his country and under legitimate authority. There can be no question this man was under the command of General Lew. Wallace, of the Eleventh Indiana Volunteers, who was regularly mustered in the service.

Mr. BROWNE, of Indiana. I understand this application was made to the Pension Bureau and was denied by the Commissioner of Pensions?

Mr. MORRILL. The case was rejected by the Commissioner of Pensions on the ground that the limitation had expired.

Mr. BROWNE, of Indiana. In the opinion of the committee ought the claim to have been allowed under the law at the time it was made?

Mr. MORRILL. It could not be allowed under the existing law, because the law provided all cases of this kind had to be presented before the 4th of July, 1874.

Mr. BROWNE, of Indiana. Is this, then, the allowance of a pension that ought to have been denied under the law?

Mr. MORRILL. We have many cases of that kind. The only difficulty was that the man failed to put in his application in time.

Mr. BROWNE, of Indiana. Now, what is the difference between allowing this case in contravention of existing law and allowing the case that has just been denied?

Mr. MCCOMAS. I suggest to the gentleman that we had better try one case at a time.

Mr. BROWNE, of Indiana. I want to know the distinction which the committee make.

Mr. MCCOMAS. And I want the pension for this man.

Mr. MORRILL. This man was terribly wounded in the line of duty. In the other case the man met his death by an act of carelessness on his own part. I think that will be admitted as to a man who drank excessively of that medicine so as to cause his death. But in this case there was no carelessness on the part of the applicant.

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

Mr. MORRILL. Yes, sir.

Mr. MCADOO. What is the custom in the Pension Bureau as to granting pensions in cases of accident like this?

Mr. MORRILL. Where the cases have been presented before the expiration of the limitation there has been no question about the granting of pensions in such cases.

Mr. OATES. Suppose a man in performing or attempting to perform an order fires at the enemy and shoots one of his comrades, that is accidental?

Mr. MORRILL. Yes, sir.

Mr. OATES. And the man is wounded while fully in the line of duty?

Mr. MORRILL. Yes; while fully in the line of duty. I thank the

gentleman from Alabama for calling my attention to that fact. That is exactly this case. While this man's comrade was removing under orders the cap from his gun it was accidentally discharged, and this man received his terrible wound. The case is so clear that there ought not to be a single objection to the passage of the bill.

Mr. WILLIS. Well, let us put it through without more talk. It appears that the President had not these papers before him, and therefore could not pass on the merits of the case.

Mr. TOWNSHEND. How was it the President was not aware of these facts?

Mr. MORRILL. The Pension Department, through a mistake, had notified the President that there were no papers.

Mr. REAGAN. This is a case where it appeared the applicant was not actually mustered in the service. While that was an objection on the part of the Pension Office the proof seems to have satisfied the committee that he was actually in the service. I will not, therefore, regard that as an objection to his receiving the pension.

But the proof also shows that he was wounded by accident. Now, what I wish to call attention to is the fact that being wounded by accident, not being wounded in battle, not being wounded strictly in the line of duty, his case is the same as that of any other citizen at home in any vocation who may be similarly wounded.

Mr. MORRILL. Will the gentleman allow me to interrupt him a moment? The gentleman states this man was not in the line of duty. That is completely contradicted by the proof. He was standing in the ranks at the time he received his wound.

Mr. REAGAN. I know the gentleman relies on the fact that the man was in the service, although not mustered into the service, and on that account he says he received the wound when he was in the line of duty. Now, a wound or disability is only received in the line of duty when the wound is received in battle or the disease is contracted in the service.

He may contract a disease in the service that will disqualify him to support himself or his family. He may receive a wound in the service that will disqualify him to support himself or his family. But a wound received by accident is not, in the sense of the law, a wound received in the line of duty. If a person, being an enrolled soldier, is entitled to a pension because of a wound or injury received, not in the line of duty but by accident, the question is, will not the same disability received by accident by any citizen at any place, in any vocation in life, entitle him to a pension? I do not care to argue the question. I simply wish to call attention to the fact that this bill proposes to introduce the principle of pensioning a man who has been enlisted in the Army if, by accident—not by disease contracted in the service, not by a wound received in the line of duty—but if by accident he has been wounded or injured. That is the principle that is asserted by this bill, and it is one which it seems to me ought not to be approved by Congress.

Mr. MILLIKEN. Was not this man wounded in obeying orders?

Mr. REAGAN. I do not understand that a wound received by accident in this way is a wound received in obeying orders.

Mr. MILLIKEN. But was he not in the ranks and under orders at the time he received the wound?

Mr. REAGAN. O, Mr. Speaker, I understand, without reference to all these questions, that the gentleman from Maine [Mr. MILLIKEN] is in favor of pensioning anybody, and I did not make the point I have made with the expectation of defeating the passage of the bill, but simply because I felt it my duty to present the point to the House.

Mr. MATSON. Mr. Speaker, I will now yield two minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the language of the act which allows the granting of pensions to persons who, not having been mustered into the service, may still receive pension, is that they may receive it "in consequence of wounds or injuries received in the line of duty in such temporary service."

The wound in this case was received in June, 1861. It was received when the man was actually in line of battle, with his arm in his hand, awaiting an attack. While he was in that position a minie-ball from a musket in the hands of a comrade in the same company inflicted the injury under which he has since suffered and is now suffering. It seems to me, with great deference to my friend from Texas [Mr. REAGAN], that it would be a very rigorous rule which would construe the three words "line of duty" as meaning that that man was not actually in the line of duty when he was standing in the ranks ready to receive an attack. While he was so standing he was shot by a bullet from the gun of a comrade standing behind him, which was accidentally discharged, and it seems to me quite clear that that wound was received while he was in the line of duty.

I feel, Mr. Speaker, that I ought to vote, as far as it is consistent with the law, to give pensions to persons who in my judgment have performed real service to the Government, giving the benefit of the doubt to the claimant, and not against him. I vote with a good deal of reluctance to pension a drafted man who was brought into the service late in the war; but for a soldier who went in at the tap of the drum in June, 1861, when none of us knew much about technical rules of mustering in, and was at that time wounded, I am certainly inclined to vote, and there

would have to be a pretty clear case against him to make me say that that sort of a man should not have a pension. As I understand the case, the ground upon which he is debarred from receiving a pension is purely technical. The limitation of the law cuts him out. I certainly do not feel like pleading the statute of limitations against that soldier. [Applause on both sides of the House.]

Mr. REAGAN. I desire to ask the gentleman from Kentucky a question if he will permit me.

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. REAGAN. I will ask the gentleman if there has ever been a law passed which, in his opinion, contemplated the idea of a man being pensioned who was wounded by accident?

Mr. MATSON. Oh, certainly.

Mr. BRECKINRIDGE, of Kentucky. I will answer the question frankly. I can not answer it yes or no, because "accident" is in itself an ambiguous word; but I would not hesitate to pension a man who received a wound by an accident that might naturally have occurred while he was in the line of duty.

Mr. BROWNE, of Indiana. Will the gentleman from Kentucky [Mr. BRECKINRIDGE] permit me to read a few lines from the opinion of the Attorney-General in the McCarty case to show what may be done or what may happen "in the line of duty?"

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. BROWNE, of Indiana. The Attorney-General writes to the Secretary of the Interior:

His widow has applied for a pension, and you inquire whether his death was connected with the military service in such a manner as to justify the allowance of a pension. It does not appear, either in your letter or through the papers transmitted, what were the circumstances under which this mistake occurred. If he were an inmate of the hospital at the time, and took this medicine instead of some that had been prescribed for himself, committing the blunder either through inattention on his own part or through failure of the surgeon properly to distinguish the vials, the claim should be allowed. Similarly, if two vials stood together in his tent, and the negligence consisted simply in mistaking another bottle for his own.

In such a case, in the opinion of the Attorney-General, the pension should be allowed, the death having resulted while the soldier was "in the line of duty." [Cries of "Vote!" "Vote!"]

Mr. CRAIN. Mr. Speaker, I desire to ask the chairman of the Committee on Invalid Pensions why this man was not mustered into the service?

Mr. MATSON. I hold in my hand a letter written from Pittsburgh by a gentleman named Hoblitzell on the 10th day of June, 1861, to this man Romiser, which was filed with the papers in the Pension Office, from which letter it appears that the man Romiser was in correspondence with this friend in relation to entering a permanent company of the Union forces. He evidently intended to go into the permanent forces of the Army at least nine days before he was wounded.

Mr. LONG. And he did not go in because he was wounded?

Mr. MATSON. Evidently he did not go in, because he was disabled and could not serve.

Mr. Speaker, after very careful consideration I have arrived at the conclusion that this bill ought to pass. I have no hesitancy in saying that I have been reluctant to have bills passed over the veto of the President except in clear cases, because I believe that when the President states an objection to a bill it is entitled to very careful consideration.

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

Mr. MATSON. What is it?

Mr. DOUGHERTY. It is claimed that there were in the Pension Office papers in relation to this case which were not laid before the President at the time he considered the case. Why were not these papers laid before the President?

Mr. MATSON. I will answer that question, although the gentleman interrupts the thread of my discourse very considerably. Here in my hand are the papers which were in the Pension Office. Here is the claim filed there June 7, 1879. The number of the claim is 290707. The President says in his veto message that the Pension Office reports there have been no papers filed on behalf of this man. How that statement came to be made I do not know. I feel very sure, however, that the Pension Office did so state to the President, otherwise I am confident the President would not have declared that the statement had been made to him. Probably the mistake resulted because of the negligence or error of some clerk; and that is the suggestion of the committee in its report.

Mr. SPRINGER. Is there anything in those papers which if the President had seen them would have led him to a different conclusion?

Several MEMBERS. Oh, yes.

Mr. PETTIBONE. Certainly; of course there is.

Mr. MATSON. I will answer the gentleman's question in the course of my statement.

The facts in this case are these: On the 19th of June, 1861, the city of Cumberland, Md., was threatened with an attack. On the 17th, I believe—two days previous—the confederate forces had burned two bridges within a very short distance of Cumberland, on the Baltimore and Ohio Railroad.

A MEMBER. And had driven back the guards.

Mr. MATSON. And had driven away the forces which were there attempting to protect those bridges. At that time this company, which was known as Capt. Frank Mason's company, a provisional company, had probably been organized (though as to the fact of its organization the proof, I apprehend, is not clear) for the purpose of entering the permanent service of the Government. These men were called upon by the authorities of Cumberland to go to that city to aid in its protection. They went there; and at the time of their arrival an attack was imminent. They remained there; and while there with guns loaded for the enemy, this man, standing in the ranks of the Union forces, received a horrible wound. Now the question is whether a pension should be refused in his case simply because he was not mustered into the service. The wound he received did not come from an enemy's gun; but that makes no difference either in law or equity. There are now upon the pension-roll at least a thousand men—probably more—who have been pensioned because of accidental injuries resulting from the carelessness of their comrades—not the result of their own carelessness—and incurred in the line of duty.

There can not be any question about this man having been in the line of duty. He and his comrades stood there with their guns loaded for the enemy, ready to fight. They went there in response to a summons, to meet an emergency, to protect the city of Cumberland, and to protect one of the main lines of communication that kept the capital in connection with the forces that were expected to defend it. You have staring you in the face the historical fact that up to this time there had been a call for only seventy-five thousand men and for three months; that this call was quickly filled, and that thousands and tens of thousands who desired to enter the service of the Government and go to the rescue of the Union were unable to find places in the Union ranks at that time—

Several MEMBERS. That is true.

Mr. MATSON. Because no call was made for any more troops until after the battle of Bull Run on the 21st of July, 1861.

So that, when you come to look at all the facts of this case, you see that here was a patriotic volunteer—not a drafted man—with his gun in his hand, ready and willing to defend the Government of the United States, and receiving under such circumstances a horrible wound—by accident, it is true, but a wound from which he is suffering to this day.

Mr. CUTCHEON. And received in the line of duty.

Mr. MATSON. Yes; strictly in the line of his duty. But somebody may say, "Yes, but he did not apply promptly for his pension." Is that to be counted against him? Because for years he voluntarily surrendered to this Government a pension which Congress ought to have given him years and years ago, and which until 1874 he could have obtained through the regular channels of the Pension-Office—because he has thus surrendered to the Government thousands of dollars will this Government now refuse him a pension for the rest of his life? He only asks for a pension from this time on; and that is all this bill proposes to give him. Are my friends here unwilling to do justice to one who deserves a pension? That is the question. If there were any doubt about this case I would not urge it. It is as clear as sunlight to me. I have no doubt about it. There is no dispute about the facts. How the President came to veto it is not a matter of consideration to me. I have a solemn duty to discharge as well as he; and when I find a clear case, one about which there is no doubt at all, where the right, the equity, and the justice of the claim are beyond dispute, I will not hesitate to say that man shall be pensioned.

I now call for the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is, Will the House on reconsideration pass the bill notwithstanding the objections of the President?

The question was taken; and it was decided in the affirmative—yeas 175, nays 38, not voting 109; as follows:

YEAS—175.

|                      |             |                  |                 |
|----------------------|-------------|------------------|-----------------|
| Adams, G. E.         | Comstock,   | Gibson, C. H.    | Arion,          |
| Allen, C. H.         | Conger,     | Gillilan,        | Jackson,        |
| Anderson, C. M.      | Crain,      | Goff,            | James,          |
| Atkinson,            | Cutcheon,   | Green, R. S.     | Johnson, F. A.  |
| Baker,               | Dargan,     | Grosvenor,       | Johnston, J. T. |
| Ballentine,          | Davis,      | Grout,           | Kleiner,        |
| Bingham,             | Dingley,    | Guenther,        | La Follette,    |
| Bound,               | Dockery,    | Hale,            | Laird,          |
| Boutelle,            | Dorsey,     | Halsell,         | Landes,         |
| Boyle,               | Dougherty,  | Harmer,          | Lawler,         |
| Breckinridge, C. R.  | Dunham,     | Hatch,           | Lindsay,        |
| Breckinridge, W.C.P. | Eden,       | Hayden,          | Lovering,       |
| Browne, T. M.        | Eldredge,   | Haynes,          | Lyman,          |
| Brown, C. E.         | Ellsberry,  | Hempill,         | Markham,        |
| Buchanan,            | Ely,        | Henderson, D. B. | Matson,         |
| Bunnell,             | Ermentrout, | Henderson, T. J. | McAdoo,         |
| Burleigh,            | Everhart,   | Hepburn,         | McComas,        |
| Burnes,              | Farquhar,   | Hermann,         | McKenna,        |
| Burrows,             | Fisher,     | Hiestand,        | McKinley,       |
| Butterworth,         | Fleeger,    | Hill,            | Merriman,       |
| Bynum,               | Foran,      | Hires,           | Millard,        |
| Cannon,              | Ford,       | Hiscock,         | Milliken,       |
| Carleton,            | Frederick,  | Hitt,            | Mills,          |
| Caswell,             | Fuller,     | Holman,          | Moffatt,        |
| Catchings,           | Funston,    | Holmes,          | Morrill,        |
| Clardy,              | Gay,        | Hopkins,         | Morrison,       |
| Cobb,                | Geddes,     | Howard,          | Morrow,         |

|                |                   |               |                 |
|----------------|-------------------|---------------|-----------------|
| Neece,         | Rice,             | Strait,       | Ward, J. H.     |
| Nelson,        | Rockwell,         | Struble,      | Warner, William |
| Oates,         | Romeis,           | Swinburne,    | Weaver, A. J.   |
| O'Neill, J. J. | Rowell,           | Swope,        | Weaver, J. B.   |
| Osborne,       | Ryan,             | Tarsney,      | Weber,          |
| Parker,        | Sawyer,           | Taylor, I. H. | West,           |
| Payne,         | Scott,            | Taylor, Zach. | White, A. C.    |
| Payson,        | Seymour,          | Thomas, O. B. | White, Milo     |
| Perkins,       | Shaw,             | Thompson,     | Wilkins,        |
| Perry,         | Skinner,          | Tillman,      | Willis,         |
| Peters,        | Smalls,           | Townshend,    | Wilson,         |
| Pettibone,     | Sowden,           | Trigg,        | Winans,         |
| Pindar,        | Spooner,          | Van Eaton,    | Wise,           |
| Pirce,         | Springer,         | Wade,         | Wolford,        |
| Plumb,         | Stahlnecker,      | Wadsworth,    | Woodburn,       |
| Price,         | Stephenson,       | Wait,         | Worthington.    |
| Reed, T. B.    | Stone, W. J., Mo. |               |                 |

NAYS—38.

|                 |                  |             |                  |
|-----------------|------------------|-------------|------------------|
| Bennett,        | Dowdney,         | McCreary,   | Sayers,          |
| Blanchard,      | Dunn,            | McMillin,   | Singleton,       |
| Bland,          | Forney,          | McRae,      | Stewart, Charles |
| Cabell,         | Harris,          | Morgan,     | St. Martin,      |
| Candler,        | Henderson, J. S. | Peel,       | Taylor, J. M.    |
| Clements,       | Johnston, T. D.  | Randall,    | Turner,          |
| Crisp,          | Jones, J. H.     | Reagan,     | Wellborn,        |
| Croxton,        | Lafloon,         | Reid, J. W. | Wheeler.         |
| Culberson,      | Lanham,          | Richardson, |                  |
| Davidson, A. C. | Martin,          | Sadler,     |                  |

NOT VOTING—109.

|                 |                    |                  |                   |
|-----------------|--------------------|------------------|-------------------|
| Adams, J. J.    | Cox,               | King,            | Riggs,            |
| Aiken,          | Curtin,            | Le Fevre,        | Robertson,        |
| Allen, J. M.    | Daniel,            | Lehbach,         | Rogers,           |
| Anderson, J. A. | Davenport,         | Libbey,          | Scranton,         |
| Arnot,          | Davidson, R. H. M. | Little,          | Seney,            |
| Barbour,        | Dawson,            | Long,            | Sessions,         |
| Barksdale,      | Dibble,            | Lore,            | Snyder,           |
| Barnes,         | Felton,            | Lowry,           | Steele,           |
| Barry,          | Findlay,           | Mahoney,         | Stewart, J. W.    |
| Bayne,          | Gallinger,         | Maybury,         | Stone, E. F.      |
| Beach,          | Gibson, Eustace    | Miller,          | Stone, W. J., Ky. |
| Belmont,        | Glass,             | Mitchell,        | Storm,            |
| Bliss,          | Glover,            | Muller,          | Symes,            |
| Blount,         | Green, W. J.       | Murphy,          | Taylor, E. B.     |
| Brady,          | Hall,              | Neal,            | Thomas, J. R.     |
| Bragg,          | Hammond,           | Negley,          | Throckmorton,     |
| Brown, W. W.    | Hanback,           | Notwood,         | Tucker,           |
| Brumnum,        | Heard,             | O'Donnell,       | Van Schaick,      |
| Buck,           | Henley,            | O'Ferrall,       | Viele,            |
| Caldwell,       | Herbert,           | O'Hara,          | Wakefield,        |
| Campbell, Felix | Hewitt,            | O'Neill, Charles | Wallace,          |
| Campbell, J. E. | Houk,              | Outhwaite,       | Ward, T. B.       |
| Campbell, J. M. | Hudd,              | Owen,            | Warner, A. J.     |
| Campbell, T. J. | Hutton,            | Phelps,          | Whiting.          |
| Collins,        | Jones, J. T.       | Pidcock,         |                   |
| Compton,        | Kelley,            | Ranney,          |                   |
| Cooper,         | Ketcham,           | Reese,           |                   |

So (two-thirds having voted in favor thereof) the bill was passed over the veto of the President.

During the roll-call,

On motion of Mr. MATSON, by unanimous consent, the reading of the names were dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. DANIEL with Mr. WHITING, until further notice.

Mr. BELMONT with Mr. LONG, until Monday next.

Mr. ADAMS, of New York, with Mr. EVANS, for the remainder of the day.

Mr. NEAL with Mr. HOUK, on this vote.

Mr. WALLACE with Mr. COMPTON, on this vote. If present, Mr. COMPTON would vote "ay" and Mr. WALLACE "no."

The vote was then announced as above recorded.

#### REPRINTING A REPORT.

Mr. BRECKINRIDGE, of Arkansas, by unanimous consent, offered a resolution that 3,800 copies of report 3209 on the bill (H. R. 9702) to reduce and equalize duties on imports, to reduce internal revenue taxes, and to modify the laws in relation to the collection of the revenue, be printed for the use of the House; which was referred to the Committee on Printing.

And then (at 4 o'clock and 59 minutes p. m.), on motion of Mr. MATSON, the House took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by the Chief Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,  
Washington, D. C., July 16, 1886.

SIR: Hon. BENTON McMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, JR.,  
Clerk House of Representatives.

Mr. McMILLIN accordingly took the chair as Speaker *pro tempore*.

#### BILLS PASSED.

Mr. MORRILL. I ask unanimous consent that we now take up and pass the bills which were favorably reported by the Committee of the Whole on last Friday evening.

There was no objection.

A bill (H. R. 7796) granting a pension to James Long was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

A bill (H. R. 9115) for the relief of Eugene E. McLean was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

Senate bills of the following titles were severally considered, ordered to a third reading, and being read the third time, were passed:

A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;

A bill (S. 1289) granting a pension to Thomas J. Owen;  
A bill (S. 1853) granting a pension to Isabella Jessup;  
A bill (S. 2233) granting a pension to John P. McElroy;  
A bill (S. 1766) granting a pension to William Brentano;  
A bill (S. 2163) granting a pension to Powhattan B. Short; and  
A bill (S. 2160) granting a pension to Mary J. Hagerman.

A bill (S. 2026) granting a pension to Wallis Pattee was considered, and recommitted to the Committee on Invalid Pensions, as recommended by the Committee of the Whole.

Mr. MORRILL moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. WEAVER.

The bill (S. 1421) granting a pension to William H. Weaver was considered. The question being upon its passage,

Mr. WALLACE. Mr. Chairman, I do not think this is a bill that ought to pass the House. According to the report, as it appears in the RECORD, there have been numerous efforts made on the part of the claimant to prove himself worthy of a pension before the Pension Office. They sent various special examiners and made five or six different examinations in the case, and finally after all of these efforts it was decided by the Pension Office that this soldier was not entitled to a pension. I think that bill had better be passed over.

Mr. MATSON. I ask unanimous consent that this bill be laid aside informally, not to lose its status.

There was no objection, and it was so ordered.

#### ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

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

#### BILLS INFORMALLY PASSED OVER.

The CHAIRMAN. The Clerk will report the unfinished business coming over from last Friday.

The Clerk read as follows:

A bill (S. 2132) granting a pension to Fridoline Glastetter.

The bill was read.

The CHAIRMAN. The pending question, as the Chair understands it, is on the motion to lay aside the bill with a favorable recommendation. The committee was dividing, and the gentleman from Louisiana [Mr. WALLACE] and the gentleman from Indiana [Mr. MATSON] will resume their places as tellers.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally, not to lose its place on the Calendar.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MATSON. I ask that the same order be made in that case.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. MCMILLIN. That is a general bill, and I ask that the same order be made in this case.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. MATSON. I ask that the same order be made in this case.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide.

Mr. CONGER. I ask that that bill be passed over, not to lose its place on the Calendar.

There was no objection, and it was so ordered.

JAMES M'GLEN.

The next business on the Private Calendar was the bill (H. R. 8474) granting a pension to James McGlen.

The bill is as follows:

*Be it enacted, &c., That the Secretary of the Interior be, and he is hereby directed to place on the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of James McGlynn, late a pri-*

vate in Company I, One hundred and thirty-sixth Regiment New York Volunteers.

The report (by Mr. SAWYER) is as follows:

That from the papers on file in the Pension Office and presented before this committee it appears that the soldier enlisted as a private in Company I, One hundred and thirty-sixth Regiment New York Volunteers, August 28, 1862, and was discharged June 13, 1865.

The soldier testifies:

"On or about the 2d day of May, 1863, he was detailed to watch the knapsacks, &c., of his company, which, with the regiment, had been ordered to advance; that while he was thus engaged he was requested by some members of another regiment to assist in carrying some logs to be used in constructing a breast-work, and while carrying a heavy log the men carrying the other end fell, leaving the weight resting on the shoulder of the claimant, which crushed him to the ground, injuring him in his shoulder and spraining his wrist; that shortly after the enemy charged the soldiers where he was and took him prisoner, and that he was wounded in his right wrist; that he was taken to Libby prison, where he was treated by a rebel surgeon, who removed the ball; that when wounded no officer or comrade of his company was present, only one man from each company being detailed to watch the baggage. This was the day of the battle of Chancellorsville."

H. L. Arnold testifies:

"That he was lieutenant-colonel of the One hundred and thirty-sixth Regiment when it was mustered out; that on the day of the battle of Chancellorsville he was captain of Company I in said regiment; that on the afternoon of that day the said regiment with the balance of brigade was ordered out on reconnaissance in force; that the claimant, who was a private in his company, was by a proper order left behind in charge of the knapsacks and other property of the company; that while gone the enemy, under command of Stonewall Jackson, made an attack upon that position and carried it; that when they returned to our lines they found them in a different position, and the claimant was missing and was reported missing for some time; that before that battle the claimant was an able-bodied man in good health."

Matthew Mead testifies:

"At the time of the battle of Chancellorsville, he was orderly sergeant of Company I, One hundred and thirty-sixth Regiment of New York Volunteers, to which soldier belonged; that in that capacity on the day of said battle he detailed the soldier to take charge of the baggage of said company; that at that battle the soldier was reported missing; that some time after that he was informed that the soldier was wounded and taken prisoner; that at the time of his capture the soldier was an able-bodied man in good health; that he next saw him the following September at Bridgeport, Ala., where he was unable to go on duty or carry a gun; that from that time until the regiment was mustered out the soldier was able to do only light duty, such as loading a pack-mule."

B. L. Hovey, M. D., testifies:

"He was surgeon of the One hundred and thirty-sixth Regiment New York Volunteers; that during the summer of 1863 he treated the soldier for an injury to his shoulder and wrist, which he claimed to have received at the battle of Chancellorsville; that the injury was a severe one and disabled him from performing full military duty, and that after several weeks he so far recovered as to be able to perform light duty; that he has seen the soldier several times since his discharge and has examined him within four or five years prior to 1878, and that his arm is useless for the purpose of manual labor; that he knew the claimant and recollects him; that there is a perfect ankylosis of his wrist joint, and he has only a partial ability to close the fingers, the index finger being less useful than the others."

Charlemagne Fisk testifies in his affidavit of date of April 1, 1866:

"That he then resided at Livonia, Livingston County, New York (that being where the claimant lives). That he was a private in Company K, Eighty-sixth Regiment New York Volunteers; that at the battle of Chancellorsville he was detailed to guard knapsacks, &c.; that his lines were not more than 30 feet from the lines of the Eleventh Corps, where the soldier and others were guarding baggage, &c.; that this past summer when he was working with the claimant he thought he had seen him before, and asked him if he was not guarding baggage at the battle of Chancellorsville, and the soldier replied he was."

Said Fisk further testifies:

"I saw the soldier when he was wounded. I saw him throw up his gun and say he was shot. When the enemy charged upon us at that time we were all mixed up, and I escaped. I am now drawing a pension."

Robert Park testifies that he was a private in same company with claimant and saw him wounded at the battle of Chancellorsville.

Patrick McCadden testifies:

"He was a member of Company K, Thirty-third Regiment New York Volunteers, and was taken prisoner at the battle of Fredericksburg; that while so a prisoner he saw the claimant, also a prisoner, wounded in the shoulder; saw the rebel surgeons dress his wounds; that they were in the Libby prison together; that he did not see the claimant wounded, but was informed that he was wounded while guarding breastworks at the battle of Chancellorsville."

Matthew Mead testifies:

"That on the 2d day of May, 1863, he was lieutenant of Company I, One hundred and thirty-sixth Regiment of New York Volunteers; that on or about that day the claimant was detailed to guard the company's baggage; that it was reported at the time that the claimant had been taken prisoner; that he returned in about two months, and that when he returned he was disabled by an injury to his shoulder and arm to such an extent as to unfit him for military service."

Dr. John C. Patterson testifies:

"Treated the claimant during the fall months of 1863 for some disease of the shoulder, which, as deponent was informed, was the result of service in the Army."

Dr. Charles C. Richmond, in his affidavit of date of April 13, 1874, testifies:

"That he was well acquainted with the claimant, and had attended him professionally for about seven years; that the disease for which he has prescribed for him was inflammation of the sheaths of the tendons of the right wrist, which, as deponent was informed, was the result of his service as a soldier."

The records of the Adjutant-General's Office show:

"Reported as missing in action at Chancellorsville May 1, 1863, but since returned as an exchanged prisoner. Prisoner of War Records show him captured as above, paroled at City Point, Va., May 14 and 15, 1863, reported at Camp Parole, Maryland, May 15 and 16, 1863, and was sent to Convalescent Camp, Virginia, May 20, 1863."

The Surgeon-General reports that "there are no records of City Point, Va., on file prior to June 20, 1864, and no records of regiment on file."

John Craig, the examining surgeon, in his report of date of March 18, 1878, says:

"The metacarpal bone of the right forearm has been badly shattered and is now united so that at the place of union the bone is bent outward, the fingers bent so that he can not grasp anything firmly, which disables him from performing much manual labor with that hand."

The evidence shows the claimant to have been a sound, healthy man before the battle of Chancellorsville, and that down to this time he has remained a crippled, disabled man. The claim has been rejected at the Pension Office, but the member of the committee drawing this report is unable to state from the papers the ground of the rejection.

Your committee believe this to be a most meritorious case, and therefore recommend that the bill do pass, with an amendment to the bill and the title thereto, by changing the word "McGlynn" in the title and the same word in the sixth line of the bill to the word "McGlen."

The amendment of the committee was agreed to.

Mr. WALLACE. Mr. Chairman, the papers in this case, it seems to me, show very clearly the reason why the Pension Office did not grant the application of this soldier. He was captured at Chancellorsville and fifteen or eighteen days afterward was exchanged, and the records show that there was no evidence of disability whatever at the time of the exchange. I have also seen a letter from the Surgeon-General, who says there is no record at any of the camp hospitals around the city of Washington at that time to indicate that he was present. If he got this wound in his wrist at Chancellorsville, he certainly would have been in some of these hospitals and there would have been some record of it.

I think this is not a bill we should act upon. The case, according to the records as I have looked at them in the papers in the Pension Office, is decidedly weak; and the additional testimony of the Surgeon-General saying this man was not in any of these hospitals within thirty days after the battle of Chancellorsville is a strong indication that the wound was received at some other time. Among those papers is no claim made at the commencement of this period when he returned from Chancellorsville of the wound in the wrist, which is the only one on which this application is based. I ask that the case be passed over.

Mr. PETERS. A considerable portion of the facts set forth in the report come within my own knowledge. I was brigaded with the One hundred and thirty-sixth New York Regiment at Chancellorsville. I was one of the men ordered to strap knapsacks and go out on a reconnaissance in the direction of Spottsylvania Court House, some of our company being left to guard the knapsacks. Our brigade, under the command of General Barlow, was directed to make this reconnaissance and report it to General Birney. Thus far I can verify the statements made in this report.

The evidence, as I understand it, is overwhelming that this soldier received this injury as he claimed in his application, and also that he received the wound. The evidence is also overwhelming that he was taken prisoner. Those who were there at that time and who were connected with this brigade and the Eleventh Corps know that Jackson made his attack on the right of Howard's corps, rushed in upon the Eleventh Corps when their guns were stacked, drove them back in utter confusion, and captured all of these knapsacks and the greater portion of the soldiers left to guard them. I know as far as my regiment was concerned, and so far as every regiment connected with the brigade was concerned, we never saw our knapsacks again.

I listened to the evidence with some care, because the moment the One hundred and thirty-sixth New York Regiment was mentioned my interest was aroused in the matter, as I served with that regiment nearly three years. That evidence is overwhelming as to the facts set forth in the application of the claimant; and the great wonder to me is why this application was not granted at the Pension Department. Certainly if ever there was a case in which the injury to the soldier and the wound are clearly established by the testimony not only of officers but of privates, this is such a case. One of the affidavits made here is by the man who was afterward lieutenant-colonel of the regiment, but who was at that time captain of Company I. He makes an affidavit as to the material facts set forth in the application. It seems to me if there ever was a case where all the facts necessary to the granting of a pension have been established by overwhelming testimony, not by one affidavit or the evidence of one person, but by the evidence of five or six parties, it is this case.

The gentleman from Louisiana [Mr. WALLACE] makes the point that there is no record in any of the hospitals of this man having been treated. There is the evidence of one man who was captured afterward at Fredericksburg, I believe, and who saw this man in prison.

Mr. CUTCHEON. And saw his wound dressed.

Mr. PETERS. Yes; and saw his wound dressed in Libby prison. He saw a surgeon of the confederate army dress his wound.

It seems to me that must have escaped the attention of the gentleman from Louisiana. That not only corroborates the evidence of the witnesses who testified to the capture of this man and to his receiving his injury, but brings the evidence up until after the time of capture. The mere fact that he might not have had a hospital record after exchange should not outbalance the weight of the evidence of these witnesses who testified to his receiving his wound and being captured and the evidence of the man who testified to his wound being dressed in Libby prison. It seems to me this case should never have come here to ask the equitable interposition of Congress. The application should have been granted at the Pension Department; but as it was rejected there and is now before us for action, it seems to me it ought to be allowed.

Mr. SAWYER. Having introduced this bill and drawn the report accompanying it, I would like to say something in support of it. But in the first place I would like to ask the gentleman from Louisiana what he said with reference to the letter from the Surgeon-General. I did not hear him distinctly.

Mr. WALLACE. Among the papers was a letter from the Surgeon-

General, which stated no such name as that of this soldier is to be found among the records of Camp Parole or other hospitals around the city of Washington.

Mr. SAWYER. I think if the gentleman had examined all the papers he would have found that he is laboring under a mistake.

Mr. WALLACE. I did examine all the papers.

Mr. SAWYER. Because I think he would have found that the remark of which he has spoken refers to another person, and not to this claimant.

The gentleman will find among the papers on record a report from the Adjutant-General's Office showing that this man was reported missing in action May 1, 1863, and was afterward returned as an exchanged prisoner of war.

Mr. WALLACE. At what date was he returned as an exchanged prisoner?

Mr. SAWYER. I can not tell without stopping to look at the record.

Mr. WALLACE. I think it was on the 24th of the same month, about three weeks after he was reported missing.

Mr. SAWYER. In the first place, then, the statement from the Adjutant-General's Office shows that this man was reported as missing at the battle of Chancellorsville, and that subsequently to that he was returned as an exchanged prisoner. Now he could not have been returned as an exchanged prisoner unless he had been taken prisoner.

Mr. WALLACE. Does it say anything about his being wounded when he was returned as an exchanged prisoner?

Mr. SAWYER. Probably not. The record of prisoners of war shows that he was captured at Chancellorsville on May 1, 1863; that he was paroled at City Point May 14 and 15, reported at Camp Parole on the 15th and 16th, and was sent to the convalescent camp May 20.

So, from the records of the Adjutant General's Office we have the facts that he was reported missing and returned a paroled prisoner, and from the other official records of the Government we have the facts of his capture and his return, and also the significant fact that he was sent to the convalescent camp, which it seems to me would not have happened if the man at that time had been free from wounds or disability. The Surgeon-General's Office reports that there are no records on file of the City Point Hospital prior to June 20, 1864, and it was prior to that time that this man was taken to that place. Another significant fact appears, that is, that there are no hospital records of that regiment on file.

To go back, this man was taken prisoner in May, 1863. Dr. Hovey, who was the surgeon of the regiment, swears in his affidavit that he treated him in the summer of 1863 for an injury to his shoulder and wrist, which he claimed to have received at the battle of Chancellorsville. Therefore this treatment was after that battle. It appears that the man had a wound in the wrist, which the evidence shows he had received, and we have the evidence of the surgeon that he treated him for that injury several times, and continued to treat him for the injury to the wrist down to 1878. It appears from the testimony of the captain of the company, who afterward became its lieutenant-colonel, and from the testimony of the orderly sergeant, that this man was detailed by the company, when they were on the reconnaissance which has been spoken of by the gentleman from Kansas [Mr. PETERS], to take care of the knapsacks.

The man himself makes oath that he was taken prisoner at that time. We have the testimony of another man that he was present at the time this claimant was taken prisoner and saw him taken. We have the testimony of another that he was there at the time and saw him wounded, saw him throw up his gun, raise his hand, and exclaim that he was shot. Then we have the testimony of another man that he saw him at Libby prison, saw him in a wounded condition there, and saw his wound dressed by a rebel surgeon.

I can not imagine how you can make a stronger case than is made here. The man was placed by the proper officer in charge of the baggage; the confederates charged upon him while he was there and took him prisoner; he was shot in the wrist, taken prisoner, and taken to Libby prison, where his wounds were dressed by a confederate surgeon, as shown by the evidence, and he appeared in the camp, as appears by the official record, and it is shown that he has been in a crippled condition ever since. I think I recollect the paper to which the gentleman from Louisiana [Mr. WALLACE] refers, and my recollection is that it relates to another person, one of the witnesses in the case, not to the claimant.

#### MESSAGE FROM THE SENATE.

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2113) granting a pension to Mrs. Sarah Young.

The message further informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7827) providing for the construction of the light-house supply steamer for the Atlantic and Gulf coasts.

The message also announced that the Senate further insisted upon its amendments numbered 2, 17, 88, 179, and 180 to the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, disagreed to by the House of Representatives.

JAMES M'GLEN.

The Committee of the Whole House on the Private Calendar resumed its session.

Mr. SAWYER. As I was saying, Mr. Chairman, the evidence discloses the fact that this man, then a sound and healthy man, was standing at the post of duty by the command of his superior officer. We show him taken prisoner, a wounded man. We show him with his wounds being dressed in the prison of the enemy. We show him returning to his regiment and going to the convalescent camp. We show the surgeon of his regiment treating him for the very wound which we prove by two other witnesses he received at Chancellorsville. It appears from the records of the Department that this disability still continues. Now, I can not imagine how a stronger case can be made out than this. [Cries of "Vote!" "Vote!"]

Mr. WALLACE. There is no question, I suppose, in the mind of any one that this man was captured and taken to Libby prison, but there is no evidence at all that he was shot in the battle of Chancellorsville. If he had been, he would be entitled to a pension from Congress unless he had already received it through the Pension Office. But the testimony does not show that he was hurt otherwise than being injured in the shoulder by a falling log, which was only a temporary injury and one of very small moment, from which he had evidently recovered by the time he was exchanged and returned to his regiment, fifteen or twenty days afterward. But as the man seems to have been wounded during the period that the war lasted, and as I feel that to be a justification for giving him a pension, I do not desire to be captious, and will withdraw my objection.

Mr. SAWYER. Now, if the gentleman will pardon me, I will call his attention— [Cries of "Vote!" "Vote!"]

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

STEPHEN SAUER.

The next business on the Private Calendar was the bill (H. R. 5038) for the relief of Stephen Sauer.

The CHAIRMAN. This bill, having already passed the House, has been returned from the Senate with an amendment, which will be read.

The Clerk read as follows:

After the words "Stephen Sauer," in line 6, insert "dependent father of George Sauer."

Mr. MATSON. I move that the bill be reported to the House with a recommendation that the amendment of the Senate be concurred in. The motion was agreed to.

ROBERT POTTS.

The next business on the Private Calendar was the bill (H. R. 9119) granting a pension to Robert Potts.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally, as the gentleman representing it is not present.

The CHAIRMAN. If there be no objection the bill will be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was ordered accordingly.

CYRA L. WESTON.

The next business on the Private Calendar was the bill (H. R. 8310) granting a pension to Cyra L. Weston.

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, subject to the provisions and limitations of the pension laws, the name of Cyra L. Weston, dependent father of William L. Weston, late a private in Company B, One hundred and twenty-sixth Massachusetts Volunteers.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

After the words "Company B," in line 7, strike out "One hundred and."

Mr. EDEN. I would like to hear the report in this case.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8310) granting a pension to Cyra L. Weston, submit the following report:

Cyra L. Weston's claim as dependent father of William L. Weston, private Company B, Twenty-sixth Massachusetts Volunteers, was rejected by the Pension Office "on the ground that the nature of soldier's fatal disease and its origin in line of duty can not be shown; also, that while a prisoner he enlisted in the rebel service."

The records of the War Department show that at the age of eighteen the soldier enlisted as a private in the third unattached company of Massachusetts cavalry. He was enrolled on the 12th day of November, 1861, and was discharged at New Orleans, La., June 16, 1862, on surgeon's certificate of disability, which contains the following statement:

"Ever since the company was mounted, February 25, 1862, he has essayed to mount and drill and do service as a trooper, but has invariably failed, owing to weakness; has never done one day's mounted duty; in consequence, in my opinion, never can be fit for cavalry."

January 8, 1864, he enlisted as a private in the Twenty-sixth Massachusetts Regiment; was captured at the battle of Cedar Creek, Virginia, October 19, 1864. Prisoner of war records show him captured as above, confined at Richmond, Va., October 23, 1864, and sent to Salisbury, N. C., November 4, 1864, where he enlisted in the rebel army; date not given. Paroled at N. E. Ferry, North Carolina, March 3, 1865. Final statement by company commander reports him died in United States Army general hospital, Wilmington, N. C., March 17, 1865, of causes not stated.

Two special examinations were ordered in this case. The first was by D. J. Safford, special examiner, who examined claimant and witnesses in his vicinity, and whose report bears date April 6, 1885. In this report he says:

"From a careful study of all the evidence I am of the opinion that the claim is meritorious. Though the evidence as to dependence is not strong, still in the feeble condition of the claimant's wife, as shown, I think it should be accepted (Safford gives the names and addresses of several comrades who should be seen). As the names of others of the company and regiment, who were in prison with him, and in their examination the question of his enlisting in the rebel service should be inquired into, although I place very little reliance on that portion of the record, from the fact that, apparently, he died in consequence of exposure in prison."

The second examination was by S. J. Davis, special examiner, whose report bears date June 19, 1885. He examined such comrades of soldier as he was able to reach, touching the points of his disabilities in the service and his enlistment into the rebel army, and says in his report:

"While I may and do presume that if the real facts could be proved the claim would be allowed, nevertheless proof and not presumption must decide the case."

The testimony of Orville W. Booth and Francis W. Woods shows him to have had chronic diarrhea in his second service, the testimony of the former touching the time before he was taken prisoner, and that of the latter while in Salisbury prison.

The testimony of the latter also has a bearing upon his enlistment into the rebel army, inasmuch as he saw soldier in prison and conversed with him as late as about the middle of January.

There is nothing to indicate upon what information the War Department record is based. It will be observed the date of alleged enlistment is unknown and so stated. If it is correct, it must have been some time in the period of six or seven weeks between the middle of January and the 3d day of March. This committee are of opinion, from all the facts developed, that the accuracy of the record is open, to say the least, to very grave doubts, with the probabilities very strongly against it. It is a matter of common knowledge that many prisoners who are charged on the War Department records with this dishonorable act never in fact enlisted in the rebel army or entered the rebel service. We are of opinion that this is a case of that character. The fact that he was paroled as a prisoner of war and sent into our lines is to our minds conclusive on this point.

It is not reasonable to assume that if in the rebel service he would have been thus paroled. That act of the rebel authorities recognized him as a Union soldier in good standing, and is in itself a refutation of the charge that he had enlisted in their army. Were he living he might be able to clear up this adverse, and we think unjust, record. But he died in the hospital at Wilmington, and the record stands, which we are convinced is a great injustice to the memory of a soldier who gave his life to the service of his country.

From all the facts and circumstances surrounding the case there can be no reasonable doubt that his death was the result of his prison life and its attendant hardships and privations.

Two special examiners, examining witnesses face to face, were impressed that the claim was meritorious if the real facts could be developed.

But in cases similar to this the Pension Office has ruled that the claim must be rejected and that Congress alone can grant relief.

The claimant is poor, old, and infirm, has lost one eye, and but for the bar heretofore discussed has shown a meritorious claim. In view of all the circumstances surrounding his son's prison record, the doubts concerning his alleged enlistment in the rebel service, and his death, we think the Government may properly waive the objections standing against the allowance of this claim.

We therefore report the bill to the House with a recommendation that it be amended by striking out the words "one hundred and," in line 7, and that as so amended the bill do pass.

The amendment reported by the Committee on Invalid Pensions was agreed to.

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

DUFF GREEN REED.

The next business on the Private Calendar was the bill (H. R. 8296) to remove the political disabilities of Duff Green Reed.

Mr. WHEELER. I ask for the consideration of this bill.

The bill was read, as follows:

*Be it enacted, &c.,* That the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment of the Constitution of the United States be, and the same are hereby, removed from Duff Green Reed.

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

JAMES CARLIN.

The next business on the Private Calendar was the bill (H. R. 6314) to increase the pension of James Carlin.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Interior is hereby directed to increase the pension of James Carlin, late a private in Company I, Third Regiment Vermont Volunteers, and now on the pension-roll, to \$50 a month.

An amendment reported by the Committee on Invalid Pensions was read, as follows:

In line 6 strike out "fifty" and insert "forty."

Mr. PERKINS. I ask unanimous consent that we adopt this evening the method of proceeding which has been pursued on several previous evenings—that when a bill has been read by its title, unless some member asks for its consideration, it be laid aside informally without losing its place on the Calendar.

Mr. HAYNES. I would like to have this case considered.

Mr. PERKINS. Of course I have no objection to the consideration of this case; but I ask that the arrangement I have suggested be made.

Mr. WINANS. I object. Let the bills be considered regularly in their order.

Mr. GROUT. Mr. Chairman, I understand the bill just read is before the Committee of the Whole for consideration?

The CHAIRMAN. It is.

Mr. EDEN. Let the report be read.

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

James Carlin was a private in Company F, Third Vermont Regiment. He lost his left leg above the knee at the battle of the Wilderness, for which he draws a pension of \$30 per month. This bill proposes to increase his pension to \$50 per month. The Pension Office has no authority to increase his pension beyond the present rate, unless that degree of helplessness is shown which would entitle him to a \$50 rating. His present condition is shown by the affidavits of Drs. Morse and Holden, which are appended as a part of this report. They disclose a badly diseased stump, which renders his disability much greater than usually follows similar amputations. It has been the policy of Congress to grant an increase in this class of cases—to recognize the increased disability which results from diseased stumps, and to make proper allowance therefor—which the Pension Office is not permitted to do. The certificates hereto appended do not indicate a disability which would entitle claimant to a \$50 rating, but we think he is equitably entitled to more than he at present receives.

We therefore recommend that the bill be amended so as to increase his pension to \$40 per month, and that as so amended the bill do pass.

I, Frederick L. Morse, of Windsor, in the county of Windsor, on oath depose and say that I am a practicing physician, and a graduate of medicine from the University of Michigan in the year 1872, and commenced to practice my profession in said Windsor in 1872; that I immediately became acquainted with James Carlin, a harness maker and repairer, who had lost his left leg at the middle third of the thigh, and have been familiar with him and his troubles since my first acquaintance. The stump of said leg troubled him continually and was continually painful, with either a constant discharge or preparing for a discharge. His stump gave him so much trouble that it was thought best to operate with the hope of affording him relief. Therefore, on the 8th day of October, 1874, the operation proposed was done. The bone was laid bare on the end, when we found it was greatly enlarged, being of a round and somewhat oval shape; white, hard, and constituting within itself a diseased condition. It was not thought best to further expose the bone to search for dead or diseased bone, and after the removal of a small piece of the enlarged extremity with the hope of inducing a reduction of its size by absorption, the operation was completed. He made a very quick and good recovery from the operation, the stump healing rapidly. It soon broke out again, however, and the suppurating discharge has continued ever since with all the old symptoms greatly aggravated at times. There is a constant sore on the extremity of the stump, or on the side near the end, accompanied by a great deal of pain.

I can swear positively that his stump has had a badly diseased bone it since I first knew him in 1872. His condition is such as would oblige him to refrain from labor absolutely unless it were of a kind that would not interfere with the stump at all. It is my opinion that, taking the work he attempts to do as a standard of judgment, his disability is fully one-half. I have no interest in any claim Mr. Carlin may make or is making for increase of pension.

FREDERICK L. MORSE.

Subscribed and sworn to this 25th day of February, A. D. 1886, before me,  
FRED. W. CADY, Notary Public.

I, Clarence P. Holden, of Windsor, county of Windsor and State of Vermont, do depose and say that I am a graduate in medicine of the New York Homeopathic Medical College; that I have been engaged in the practice of my profession ten years, and that I have known James Carlin, of Windsor, since November 1, 1882. That the said James Carlin has a diseased stump, resulting from an amputation in the middle third of the thigh; that the stump is greatly enlarged, and there is a place near the end of the stump from which pus is almost constantly being discharged. That the disease consists of hypertrophy of the bone, with almost constant inflammation and ulceration; and, further, that I have treated the said James Carlin at various times since November 1, 1882, and at one time when he was confined to his house and bed for about two weeks. And, further, that the above-described disease is a source of almost constant pain and suffering, frequently requiring the care of physician and attendant, and incapacitates him from all except very light manual labor, and many times is totally incapacitated from performing any labor whatever. That since my acquaintance and professional attendance began as aforesaid in November, 1882, with said James Carlin his general health and strength have suffered a marked deterioration; and, further, that, in my opinion, the said James Carlin, by reason of the above-described disease and disability, should receive a pension of at least \$60 per month.

CLARENCE P. HOLDEN.

Sworn to and subscribed before me this 22d day of February, A. D. 1886.  
[SEAL.] JOS. C. ENRIGHT, Notary Public.

The amendment reported by the committee was agreed to.

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

ELLEN SADLER.

The next business on the Private Calendar was the bill (S. 1492) for the relief of Ellen Sadler.

The bill was read, as follows:

*Be it enacted, &c.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Ellen Sadler, sister of John Sadler, formerly of Company E, Sixty-eighth Regiment of Pennsylvania Volunteers.

An amendment reported by the Committee on Invalid Pensions, to add to the bill the words "and pay her a pension at the rate of \$12 per month," was read.

Mr. WALLACE. Let the report be read.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler, submit the following report:

This committee have examined the papers in this case, and find they fully substantiate the statements of the Senate report. While there is no direct evidence of the soldier's celibacy, the facts disclosed of care of soldier by mother and sister, and will of soldier making his sister sole legatee, and report of Commissioner of Pensions that no claim had been filed in soldier's name, establish his celibacy to our satisfaction. We append the Senate report and recommend

the passage of the bill with the following amendment: After the word "volunteers," in the sixth line of the printed bill, insert "and pay her a pension at the rate of \$12 per month."

The claimant, Ellen Sadler, is a sister of John Sadler, formerly of Company E, Sixty-eighth Regiment Pennsylvania Volunteers. No claim was ever made before the Pension Department, because this case does not come within the provisions of any general law.

The following letter from the Adjutant-General's Office gives the service of the soldier:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, April 9, 1886.

SIR: I have the honor to return herewith a letter from the Senate Committee on Pensions, requesting the military record of John Sadler, as of Company E, Sixty-eighth Pennsylvania Volunteers, and, in compliance with instructions thereon, to report that the records of this office show that John J. Sadler was enrolled August 13, 1862, at Philadelphia, Pa., and mustered into service September 1, 1862, to serve three years as a private in Company E, Sixty-eighth Pennsylvania Volunteers; that he served therein to January 13, 1863, when he was discharged on surgeon's certificate of disability at Camp Pitcher, Virginia, because of "inguinal hernia of right side, contracted about five days ago while on duty." In said certificate the company commander also certifies that "John J. Sadler has been a good and attentive soldier and has had good health since his enlistment until the 30th December, 1862, when he was first attacked with this disease, supposed to have been brought on by wearing a cartridge-box."

I have the honor to be, sir, very respectfully, your obedient servant,

J. C. KELTON,  
Acting Adjutant-General.

The SECRETARY OF WAR.

It appears from the evidence before your committee that the soldier was discharged for disability contracted in the service, which disability continued until his death. The certificates of physicians are on file with the papers. The testimony of comrades and others corroborates the evidence as to the incurrence of the disability in the service and its continuance since. The evidence is that the soldier, after his discharge, was unable to do any work whatever, and that his mother and sister were compelled to support him; that after his mother's death the burden of such support fell on his sister, Ellen Sadler, and that she did her duty until disabled by partial paralysis. This paralysis still continues, and it further appears that this sister is left in the most destitute circumstances. The soldier died at the Pennsylvania Hospital.

Your committee are of the opinion that the soldier died from the result of disease contracted in the service, and that his sister, who, it appears, is his only surviving relative and now utterly destitute, should receive from the Government some assistance which will in some measure take the place of that which the soldier would no doubt have contributed were he now alive and in good health. We therefore report back the bill with the recommendation that it do pass.

Mr. WALLACE. I desire to inquire whether it is customary to grant pensions to the sisters of soldiers who have died in the war—whether there are any precedents for it?

Mr. HAYNES. There are scores of precedents. My impression is there are probably a dozen in this Congress. Where the sister has been dependent on the soldier and where she is suffering under disability, where she is crippled, blind, or otherwise incapacitated for earning a livelihood, it is the invariable practice for Congress to grant relief.

Mr. PETTIBONE. That has been the practice for years.

The amendment reported by the committee was agreed to.

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

THOMAS WALSH.

The next business on the Private Calendar was the bill (H. R. 8481) granting a pension to Thomas Walsh.

The bill was read, as follows:

*Be it enacted, 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 Thomas Walsh, late of Company F, Seventy-fourth Regiment of New York Volunteers.*

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

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8481) granting a pension to Thomas Walsh, have had the same under consideration, and beg leave to submit the following report:

Thomas Walsh, or Wallsh, enlisted as private in Company F, Seventy-fourth New York Volunteers, June 3, 1861, was captured in action at Brandy Station, Va., November 27, 1863, confined in prisons at Richmond and Andersonville, until paroled, November 21, 1864, and mustered out January 10, 1865.

Claimant has been in the employ of the Government in this city ever since discharge until recently, when he became physically disqualified from performing his duties. In October, 1885, he applied for pension, alleging that he contracted kidney disease and enlargement of right testicle while prisoner of war. His condition two weeks after application for pension had been made may be best described by copying the report of Examining Surgeon Tyler, who was directed to make the examination at claimant's home:

"He is unable to make a statement, by reason of his present condition, intelligibly, or walk without the aid of another person. It is stated that paralysis occurred in June, 1885. Heart's action very irregular and intermittent; impulse feeble; is pale; has edema of the ankles, and suffers from valvular lesions of the heart. The right testicle is enlarged; testicular sensation deadened; has chronic orchitis. Nothing definite as to cause can be obtained. Urine examined and found to contain a certain amount of mucus, but no albumen discovered under test and no distinct evidence of kidney disease. He suffers from hemiplegia on right side; contractions of fingers of right hand; can not articulate. Disability from orchitis one-half."

In support of this claim the following evidence has been filed:

John T. Smith, passed assistant engineer United States Navy, testifies—

"That he has been acquainted with claimant since 1865, about the time of his discharge. He was then suffering with kidney disease and disease of the testicles, and to affiant's personal knowledge continued to suffer therefrom until now he has become entirely helpless. It was well understood at the time affiant first formed claimant's acquaintance that said diseases were contracted while a prisoner of war."

Kate E. Schmalhoff testifies:

"That she has known claimant since about 1871, when he came to her house and occupied a room there about six years. About six months after coming there he was taken sick with troubles of kidneys and urinary organs; was very sick for about seven months. During the last two years of his residence with

affiant he was in comparatively good health, but always complained of the old trouble, which he attributed to hardships while prisoner of war."

Dr. F. Donohue testifies—

"That in 1872 or 1873 he was called to treat claimant for a severe case of orchitis, and his history was to the effect that he was captured by Mosby's cavalry, and mounted barebacked on a tall, bony mule, on which he was taken to Richmond, which caused the disability."

Dr. G. L. Magruder testifies—

"That he treated claimant for hemiplegia of right side and aphonia since June, 1885."

Calvin B. Walker, late deputy commissioner of pensions, testifies—

"That he was one of claimant's attorneys; that claimant is totally helpless physically, and is almost demented; that he has so completely lost his mind that he is wholly unable to furnish his attorneys with the necessary information to enable them to obtain the required evidence to establish the origin of his diseases in the service; that affiant is unable to obtain such information from other sources, but that he has such knowledge of the case as to satisfy him of the merit of the claim."

Claimant has an excellent reputation in the city in which he has lived and filled important trusts for over twenty years past. His present unfortunate condition came upon him so suddenly after years of suffering as to preclude the possibility of procuring the evidence necessary to establish his claim under the general pension law. It is true the evidence is meager, but what has been furnished is of the highest character, and can not be ignored by your committee. The soldier's services were long and faithful. For twelve months he was confined in Southern prisons. Within a month after release he was mustered out of service. Hence no record of treatment. If he was treated for his disabilities in the service the fact can not be shown by parol evidence. That he has suffered from diseases reasonably chargeable to exposure of prison life ever since discharge is clearly shown. Under all the circumstances your committee are inclined to give so worthy a claimant the benefit of any doubt as to origin, and therefore report favorably on the bill and ask that it do pass.

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

Mr. WALLACE. I object to this bill. The report does not state any good reason why the pension should be granted. Almost any man will have liver troubles or something of that sort if he lives long enough. Twenty years after the close of the war this does not seem to be a case where a pension should be granted.

Mr. MATSON. I ask the gentleman from Louisiana not to object to this bill. Since it was reported by the committee an affidavit has been brought and filed with the committee furnishing additional proof. This man is in a helpless condition. He was a prisoner of war a long time under aggravating circumstances. I do not think there is any doubt about his disability or that it was incurred in the service. The fact that he withheld his application until a late day is not to be taken against him. The report shows he held a Government position and that he felt delicacy in applying for a pension while he occupied that Government position.

He is so helpless that he has to be assisted when he walks. I think this bill should be allowed to be reported to the House with the recommendation that it do pass.

Mr. GROSVENOR. I ask the gentleman from Indiana whether it is not almost utterly impossible to comply with the regulations of the department as to furnishing facts.

Mr. MATSON. Not always.

Mr. GROSVENOR. Almost always.

Mr. MATSON. The Pension Office is liberal in such cases.

Mr. GROSVENOR. Is it not almost impossible in such cases to make strict proof?

Mr. MATSON. It is. Additional proof has been filed in this case, I will say to my friend from Ohio. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. Does this additional evidence bear on the fact this trouble came from service in the Army?

Mr. MATSON. Recently he ran across a friend who had been in prison with him. His son-in-law filed that testimony with the committee last Friday.

Mr. BLANCHARD. Is there any evidence to show this party was not suffering with this disease prior to his enlistment in the Army.

Mr. MATSON. I do not remember enough of the case to answer the gentleman's question.

Mr. HIESTAND. He could not have entered the service if he had been suffering with the disease.

Mr. CUTCHEON. The presumption of law is in his favor. [Cries of "Vote!"]

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

MRS. ANNA SCHIER.

The next business on the Private Calendar was the bill (H. R. 7983) granting a pension to Mrs. Anna Schier.

The bill was read.

Mr. SPRINGER. Read the report.

The report was read.

Mr. WALLACE. I object to this bill.

Mr. MATSON. I ask the bill be passed over informally. It was introduced by the gentleman from New York [Mr. HEWITT], who is not present.

There was no objection, and it was ordered accordingly.

CATHARINE LANIGAN.

The next business on the Private Calendar was the bill (S. 2349) granting a pension to Catharine Lanigan.

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 Catharine Lanigan, mother of John Lanigan, late of Company K, Twenty-third Illinois Volunteers, in the late war, at the rate of \$50 per month, from and after the passage of this act, in lieu of the pension she is now receiving.*

Mr. BLANCHARD. Let the report be read:

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

The Committee on Invalid Pensions, to whom was referred the bill S. 2349, submit the following report:

The Senate Committee on Pensions, to whom was referred the bill (S. 776) granting arrears of pension to Catharine Lanigan, reported as follows:

"That Catharine Lanigan was pensioned at the rate of \$15 per month from March 18, 1882, as dependent mother of John Lanigan, who served as second Lieutenant of Company I, Twenty-third Illinois Volunteers, and who died September 11, 1881. A very thorough examination of this claim was made by the Pension Office, and the fact that the soldier died from causes originating in the service was medically established. The dependence of the mother upon the son during his life is shown, and it also appears that she has been bed-ridden for years.

"Mrs. Lanigan is now eighty-one years of age, has long been a helpless invalid, and is dependent for support upon the pension allowed her and the exertions of her two daughters. Her title to a pension having been satisfactorily established before the Pension Office, and the rating allowed under the general laws being insufficient for her maintenance in her helpless condition, the committee consider this an exceptional case, which justifies special action and the allowance of a higher pension to Mrs. Lanigan during the brief time that she can receive any benefit from the bounty of Congress.

"We therefore recommend that the original bill (S. 776) be indefinitely postponed, and the passage of the accompanying substitute bill, granting Mrs. Lanigan pension at the rate of \$50 per month."

Your committee find, on thorough examination of the papers in the case, the facts to be substantially as above set forth, to which we desire, however, to add that the proofs show Major Lanigan to have been a most gallant soldier, who, though a great sufferer from disease contracted while in the Army, never during his lifetime sought any relief from the Government. Indeed, your committee are advised that but for physical disabilities incurred during four years' service as a volunteer in the war of the rebellion, Major Lanigan might now be holding high rank in the regular Army, a captain's commission having been offered him immediately after the war in appreciation of his gallant conduct, which he declined for the reason that his health was already so far impaired by the disease from which he finally died as to render him unfit for active military duty.

He was practically the only support of his aged, widowed, and helpless mother, who, in the opinion of your committee, is clearly entitled to a pension adequate to her comfortable support during the, at most, very few years she may reasonably be expected to survive.

Your committee therefore recommend the passage of the bill.

Mr. ADAMS, of Illinois. One fact might be stated, as it does not appear in this report. It states this old lady, eighty-one years of age, is supported by her two daughters. The truth is, one of these daughters is also an invalid, and therefore if this pension is granted it will help to support two invalid ladies, one of whom is over eighty years of age and has been confined to her room for over twelve years, bedridden most of the time.

There is another fact which ought not to be forgotten. Major Lanigan was entitled to invalid pension and would have received it if he had not been restrained by a noble feeling not to do so so long as he could support himself. He could also have received arrears of pensions much more in amount than the Treasury will be called upon to pay in the way of pension to this old lady.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

Mr. BRAGG. I ask for a division.

Mr. LAWLER. Allow a brief statement to be made. This bill only grants pension to an old lady eighty-two years of age.

Mr. BRAGG. The Chair put the question to the House, but has not stated how the vote stands.

The committee divided; and there were—ayes 62, noes 20.

Mr. BRAGG. No quorum.

The Chair appointed as tellers Mr. ADAMS, of Illinois, and Mr. BRAGG. The committee again divided; and the tellers reported—ayes 55, noes 27.

The CHAIRMAN. Has the point of no quorum been withdrawn?

Mr. MATSON. The point of no quorum has not been withdrawn I understand.

Mr. MORRILL. I ask unanimous consent that this bill may be laid aside informally, retaining its place upon the Calendar.

Mr. LAWLER. Mr. Chairman, I merely rise to ask this question: What is the object in doing that? We would rather use some effort to induce gentlemen to compromise their objection to the bill, which certainly ought to pass.

Mr. MORRILL. This will simply delay all other pension business to-night, unless some arrangement of the kind can be made. I yield, however, to the gentleman from Illinois, who desires to make a request.

Mr. NEECE. Mr. Chairman, I ask unanimous consent that this bill be reported to the House with the understanding that it go over and have a vote in the House on it.

Mr. BRAGG. I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas that it be laid aside informally, retaining its place on the Calendar?

Mr. BRAGG. I have no objection to that.

Mr. TIMOTHY J. CAMPBELL. Mr. Chairman, I ask unanimous consent to say a few words in reference to this bill. [Cries of "Go on!"]

I want to say simply in relation to this case that I have the honor to

represent a part and parcel of the city of New York, and I happen to know the person, this aged lady, for whom this pension is intended. I had occasion to visit Chicago in 1884, at the time of the Democratic convention, and visited the house of this old lady.

I saw for myself that she is aged and feeble, actually bedridden, eighty-one, nearly eighty-two years of age, and that she has a crippled daughter, who is herself almost helpless. The result of her unfortunate circumstances is that they have great difficulty in maintaining themselves. This old lady had a son, a most elegant young gentleman and one of the most promising young men who lived in Chicago, who went into the war to defend the country and to keep it intact. He received wounds during his service in the Army that ultimately caused his death, thereby leaving his aged mother in her helpless, feeble condition, not only to care for herself, but in part for her crippled daughter.

I would say further, gentlemen, you all remember the gallant Colonel Mulligan, who lost his life in defending our flag. You must remember him well. His name is in the history of this country. This Colonel Mulligan, who was killed on the field of battle, died in the arms of this gallant young man, who when he left the war left it as Major Lanigan. He won for himself honor and distinction in his country's service. Now this is simply doing an act of charity to a most worthy lady who has claims upon us; and charity, you know, covers a multitude of sins. With charity to all and malice toward none I hope this Congress will grant this little relief, which is only an act of justice after all to this old lady, so as to care for her in her helplessness in the few remaining days she has to live.

I hope nobody will demur to the passage of this bill. Further, I desire to say that if Major Lanigan had demanded what he was entitled to from the General Government on account of the wounds he received and the service rendered during the war he would have been entitled to at least four or five thousand dollars. All who know of his services will bear witness to their importance during the war of the rebellion. He never accepted a cent, not a farthing, from the Government, and all we ask you to do now is to take care of his poor old crippled mother. This is a piece of generosity, a piece of Christian charity on the part of the House, and I am sure there will be no objection to passing the bill if the facts are understood.

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

Mr. TIMOTHY J. CAMPBELL. Yes, sir.

Mr. PETTIBONE. Do you tell the House that Major Lanigan, if he had applied for a pension, was himself entitled to a pension?

Mr. BRAGG. Do you want to make a speech on this subject?

Mr. PETTIBONE. No; I want to know the facts of the case.

Mr. TIMOTHY J. CAMPBELL. He was entitled to a pension. The Commissioner of Pensions, General Black, knows the facts. But he never got a penny.

I sincerely hope my friend from Wisconsin will not insist upon his objection in this case. My friend came from New York himself, and I hope he will do this act of kindness now to this poor old lady. I appeal to my friend General BRAGG to withdraw his objection. I do not see how he can insist upon it in such a case. It would be unworthy of the flag he followed so gallantly to refuse this pension.

Mr. BRAGG. I do not know that it would be quite possible to do it except I bear in mind that in my own State there are widows whose grandfathers and great grandfathers were in the war of the Revolution, whose fathers and grandfathers were in the war of 1812, and whose fathers, husbands, brothers, and sons were in the war of 1861, and with all of that glorious record Congress says that they are entitled to \$12 a month.

Mr. TIMOTHY J. CAMPBELL. I am not demurring to anything you ask for your constituents. [Laughter and applause.] If you will bring forward any of your people that you want to grant pensions to, or want to aid, I promise you now that I will not be a party to interfere. On the contrary, I will help to get a pension for your constituents or any person you may represent. I ask gentlemen of this House, I ask my friend of old from New York, in view of the fact that this is the only speech I have made, and perhaps the last speech I will ever make in this House, for I am no speech-maker, to permit this bill to be laid aside with a favorable recommendation.

The CHAIRMAN. Is the point of no quorum insisted on?

Mr. BRAGG. When I object to a bill I do not object to it for fun or for the purpose of whiling away time. In such a case I always think I have a good ground for objection; and in this case I have no earthly doubt that the objection is a proper one. We can not afford to commence establishing precedents of granting pensions of \$50 a month to old ladies who may have been dependent on sons who lost their lives or had their health injured during the war. We have had too much of that special legislation. If anything is to be done in that direction, let it be done by general law. Do not let us at one leap go from the highest notch of pension which the officer himself could have drawn—\$15 a month—a lieutenant's pension, to give his mother \$50 a month, which is higher than any pension known to pension law.

Mr. LAWLER. I wish to ask the gentleman from Wisconsin this question.

The CHAIRMAN. All this is proceeding by unanimous consent.

Mr. LAWLER. I wish to say to the gentleman from Wisconsin that

I know this family well, and I know the circumstances in which they are situated. Besides the aged mother, not only is one daughter crippled, but both daughters are really dependent. [Cries of "Regular order!"] I ask unanimous consent to be heard for a few moments. I do not want to take up time.

The CHAIRMAN. The gentleman from Illinois [Mr. LAWLER] asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. LAWLER. I do not wish to occupy more than a minute or two. Friends of the family have been trying to get one of these deserving daughters something to do, but have not succeeded as yet in accomplishing it. We can show by affidavits that this old lady is not likely to live for any considerable length of time. If this pension should be granted, when this old lady passes away that will be the end of the bounty of the Government in this case. I will say to the gentleman from Wisconsin that we have come up here every Friday night to vote pensions, and we have passed the bills because we believed they were meritorious cases. And I will now say to the gentleman, if he will not consent to a pension of \$50, I ask him to agree to give something for the support of the aged mother of this gallant officer, whose sisters also are dependent.

Mr. BRAGG. The gentleman from Illinois has to a large extent based this case on the statement that this old lady is not likely to live for any length of time. I will say this to him: I am willing to pay her myself \$10. Will the gentleman from Illinois and the balance of the Illinois delegation say the same thing and make up a purse for her?

Mr. LAWLER. I will say to the gentleman from Wisconsin that he can not give this lady \$10 any sooner than I will. But I do not think it is a worthy proposition when we know that this man was a gallant soldier, and that if he had not entered the war he could have made a competence for his mother and sisters. And I will tell the gentleman further that if money is to be given in that way to that family we need not go out of the city of Chicago. When the members of that family want charity they can get it there. It will not be necessary to go to the State of Wisconsin.

This insulting proposition to this dying mother comes with a poor grace from the gentleman from Wisconsin. I say to him Wisconsin never will pay a dollar toward her support or toward her burial. Major Lanigan left friends in Chicago who will take care of his mother and of her crippled daughter when she passes away.

We have made every honorable proposition to the gentleman from Wisconsin to induce him to withdraw his objection. We are willing to put this pension at \$25. Major Lanigan was entitled by right to receive \$5,000 from the Government, but he had too much pride to ask a dollar. He worked in the state treasurer's office till he was brought to the grave. It is now asked that the Government contribute to the support of this old lady while she lives, which may be three months, or six months, but probably not longer. I will say to the gentleman from Wisconsin that I am willing to compromise on \$20 a month.

Mr. BRAGG. When this is urged on the score of charity, I will say I have no compromise to make. And when you talk of having a claim of \$5,000 against the Government that this officer might have got you might just as well say \$25,000, for that involves but one word more. And when you talk of the commission in the regular Army which was rejected, that is another thing that floats through the air; that we hear and do not see. This sort of argument never obtains with me. I made the objection in good faith because I am opposed to the establishment of the precedent, and I shall insist upon it.

Mr. WADE. I call for the regular order.

Mr. THOMPSON. I ask unanimous consent to make a statement.

The CHAIRMAN. The regular order is demanded.

Mr. PRICE. I desire to be permitted to make a brief statement. [Cries of "Regular order!"]

Mr. PRICE. What is the regular order?

The CHAIRMAN. The regular order is the request for unanimous consent made by the gentleman from Kansas [Mr. MORRILL] that this bill be laid aside informally, retaining its place on the Calendar. Is there objection?

Mr. RANDALL. I object.

Mr. MATSON. I rise to make to make a privileged motion. I move that the committee do now rise.

The question being taken, there were—ayes 66, noes 14.

So the motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House having had under consideration the Private Calendar under the special order had directed him to report to the House sundry bills with various recommendations.

THOMAS WALSH.

The bill (H. R. 8481) granting a pension to Thomas Walsh, reported favorably from the Committee of the Whole, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CYRA L. WESTON.

The bill (H. R. 8310) granting a pension to Cyra L. Weston, reported

from the Committee of the Whole with an amendment, was taken up. The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall this bill pass?

Mr. WALLACE. Mr. Speaker, looking over the report in this case I think this is another case that ought to be passed by. I do not think this is a proper bill for us to pass. It is not one in which the testimony establishes the alleged facts. There is no evidence that this man was at any time dependent upon his son.

The SPEAKER *pro tempore*. Does the gentleman from Louisiana [Mr. WALLACE] ask unanimous consent that the bill be passed over informally?

Mr. HAYNES. Mr. Speaker, before that is done I desire to say that if the gentleman had listened to the report he would have found that a special examiner of the Pension Office (Mr. Safford, I believe), a very careful and competent examiner, went to the home of this claimant and examined witnesses face to face and made his report upon the very point which the gentleman raises, the question of dependence, and reported that the claim was a meritorious one. In fact, the only bar against the claim in the Pension Office was this matter of the enlistment in the confederate army.

The question was taken on the passage of the bill, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. WALLACE. I call for a division.

The House divided; and there were—ayes 63, noes 2.

Mr. WALLACE. No quorum has voted.

Mr. DOCKERY. If the gentleman insists upon his point of no quorum, I ask unanimous consent that this bill be laid aside informally, retaining its present status.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that this bill be laid aside, not losing its status in the House. Is there objection?

Mr. HENDERSON, of Illinois. I object, Mr. Speaker. I am tired of coming here night after night and seeing one or two men obstruct the action of this House.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HENDERSON] objects to the request of the gentleman from Missouri [Mr. DOCKERY].

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. Has this bill been read a third time?

The SPEAKER *pro tempore*. The bill has been read a third time, and the question now is upon its passage.

Mr. CUTCHEON. I move the previous question on the passage of the bill.

The SPEAKER *pro tempore*. The House is dividing upon the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the previous question be ordered on the passage of this bill. That will insure a vote upon it when there is a quorum to-morrow, and, that being done, we can proceed to the consideration of other business.

Several MEMBERS. That is right.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent that the previous question be ordered upon the passage of the bill, and then that it be passed over informally.

Mr. MATSON. I object.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] objects. The question is on the passage of the bill, and the point being made that no quorum has voted—

Mr. MORRILL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 40 minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ERMENTROUT: Memorial of Franklin Saul, for increase of pension for soldiers who have lost arms and legs—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition and papers in the case of Louis Lange for relief—to the Committee on Military Affairs.

By Mr. IRION: Papers relating to the claim of James Madison Wells and of the estate of Joseph C. Lewis—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Eastland County, Texas, for relief—to the Committee on Appropriations.

By Mr. OSBORNE: Petition of ship-owners, ship-builders, and others, relating to reciprocity treaty between the United States and Hawaiian Islands—to the Committee on Ways and Means.

By Mr. PAYSON: Memorial of W. R. Kent and others, citizens of Ashkum, Ill., for relief of suffering by recent cyclone in Illinois—to the Committee on Appropriations.

By Mr. PEEL: Papers in the claim of Avvey Marre, of Washington County, Arkansas—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of John Hartman (estate) and of C. H. Hitt, of Hamlin County; and of Elijah Michael, of Mary Jane Hubbard, and of C. T. P. Jarnigan, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. SMALL: Papers in the claim of Villeneuve Le Blanc, of West Baton Rouge, La.—to the same committee.

By Mr. ZACH. TAYLOR: Petition of William A. Franklin, executor of J. B. Franklin, deceased, of Hardeman County, Tennessee, asking that his war claims be referred to the Court of Claims—to the same committee.

By Mr. WADSWORTH: Petition of Nancy F. Middleton, widow, for the removal of the charge of desertion against her deceased soldier husband—to the Committee on Military Affairs.

By Mr. WILLIS: Remonstrance of Col. O. H. Stratton and others against the Senate amendments to the Mexican pension bill—to the Committee on Pensions.

The following petitions, asking for the passage of House bill 7887, repealing timber-culture, pre-emption, and desert-land acts; of House bill 7021, for adjustment of railroad and other land grants; of bill forfeiting all railroad land grants the conditions of which have not been strictly complied with; of House bill organizing the Territory of Oklahoma; of Senate bill opening a portion of the great Sioux reservation to settlement; of bill prohibiting aliens from holding land in the United States; of bill making Presidential and Congressional election days holidays, and punishing bribery; and of bill directing disbursement of at least \$200,000,000 Treasury surplus, and substituting Treasury notes for bank notes retired, were severally referred to the Committee on the Public Lands:

By Mr. GREEN: Petition of Jacob Gardiner and 286 others, of Lewis Johnson and 30 others, of Martin Schuliten and 188 others, of Fred Hiller and 152 others, of John B. Lavender and 29 others, of Edward Silvers and 279 others, of Alfred Holmes and 49 others, of Joseph Morse and 18 others, of Thomas J. Darricks and 24 others, of Charles Gibson and 67 others, and of Edward Ball and 85 others, citizens of the third district of New Jersey.

By Mr. RICE: Petition of J. N. Jones and 20 others, of G. M. Gallagher and 145 others, of J. A. Fuller and 26 others, and of James R. Powers and others, citizens of the tenth district of Massachusetts.

By Mr. W. J. STONE, of Kentucky: Petition of S. J. Sisson and 49 others and of W. H. Lancashire and 11 others, citizens of the first district of Kentucky.

#### SENATE.

SATURDAY, July 17, 1886.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

#### CALL OF THE SENATE.

The PRESIDENT *pro tempore*. The Chair lays before Senate—

Mr. INGALLS. Is there a quorum present?

The PRESIDENT *pro tempore*. There is not a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

|           |                    |                  |               |
|-----------|--------------------|------------------|---------------|
| Allison,  | Edmunds,           | Jones of Nevada, | Pugh,         |
| Beck,     | Evarts,            | Kenna,           | Saulsbury,    |
| Berry,    | Frye,              | Logan,           | Sherman,      |
| Blair,    | Hale,              | McMillan,        | Spooner,      |
| Camden,   | Harris,            | Mahone,          | Stanford,     |
| Chace,    | Harrison,          | Maxey,           | Teller,       |
| Cockrell, | Hawley,            | Miller,          | Vance,        |
| Coke,     | Hoar,              | Payne,           | Van Wyck,     |
| Cullom,   | Ingalls,           | Platt,           | Whithorne,    |
| Dawes,    | Jones of Arkansas, | Plumb,           | Wilson of Md. |

Mr. CHACE (when Mr. ALDRICH's name was called). My colleague [Mr. ALDRICH] is absent from the Senate, detained by sickness.

Mr. EDMUND (when Mr. MORRILL's name was called). My colleague [Mr. MORRILL] is absent, and I suppose for the session, on account of illness, and I will announce it once for all.

The PRESIDENT *pro tempore*. Forty Senators are present, a quorum.

Mr. INGALLS. Then business can proceed.

#### RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore* appointed Mr. McMILLAN, Mr. CONGER, and Mr. RANSOM the conferees on the part of the Senate on the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and its amendment thereto.

#### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Benjamin Holt, of Wayne County, Tennessee, praying that his claim for quartermaster's stores, which has been disallowed by the Quartermaster.