

Mr. BRECKINRIDGE, of Arkansas. It does not require unanimous consent, I believe.

Mr. MORGAN. It will require a quorum, though.

The SPEAKER *pro tempore*. The gentleman moves that when the House adjourns to-day it be to meet on Friday next.

Mr. MORGAN. Will it not take a quorum to adjourn over until Monday?

The SPEAKER *pro tempore*. If the point is insisted upon it will.

Mr. MORGAN. Then I give notice that I shall call for a quorum.

Mr. LANHAM. I hope there will be no objection to the motion of the gentleman from Arkansas, provided that Monday can be substituted for Friday to consider private bills.

Mr. MILLIKEN. Unless that is done there will be objection.

Mr. LANHAM. I hope the Chair will submit that proposition again to substitute Monday for to-morrow.

Mr. ROWLAND. I move that the House do now adjourn.

Mr. BRECKINRIDGE, of Arkansas. As the gentleman from Mississippi [Mr. MORGAN] indicates his intention of requiring a quorum, I withdraw the motion and simply move that the House do now adjourn.

The SPEAKER *pro tempore*. The motion has been agreed to to substitute Monday night for the consideration of pension bills.

Mr. MORRILL. I ask to reconsider the vote by which that motion was agreed to.

Mr. ALLEN, of Mississippi. I object.

The SPEAKER *pro tempore*. The question is on the reconsideration of the vote by which the motion to substitute Monday night for Friday night for the consideration of pension bills was passed.

The question was put, and the Speaker *pro tempore* announced that the "ayes" had it.

Mr. DINGLEY. Do I understand that the vote on the motion to substitute Monday night for Friday night for the consideration of pension bills was reconsidered?

The SPEAKER *pro tempore*. It was.

Mr. ALLEN, of Mississippi. I had objected.

The SPEAKER *pro tempore*. The Chair did not hear any objection.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it. The Chair will restate the motion—

Mr. ROGERS. I rise to a question of order. I do not think the Chair and the gentleman from Mississippi [Mr. MORGAN] understood each other. The gentleman from Mississippi objected to the substitution of next Monday night for to-morrow night for the consideration of pension bills, and therefore—

Mr. OATES. To get out of this difficulty I ask for the regular order.

Mr. MORGAN. I objected to the substitution of next Monday night for to-morrow night. We desire to-morrow for the consideration of private bills, for the reason that more than half of the member's names have been called, and we want to go on and complete the call.

Mr. ALLEN, of Mississippi. I would like to notify my colleague [Mr. MORGAN] that it will take a quorum to pass anything to-morrow. Mr. MORGAN. I accept the notice, and propose to try it on. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. BRECKINRIDGE] has asked that Monday night be substituted for Friday night, anticipating that the House would adjourn until Monday. Inasmuch as the House declines to adjourn until then the gentleman desires to reconsider that motion.

Mr. ALLEN, of Mississippi. And I object.

Mr. BRECKINRIDGE, of Arkansas. I move that the House reconsider the vote by which the motion was agreed to substituting Monday night for Friday night for the consideration of pension bills.

The motion was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. COMPTON: A bill (H. R. 11560) for the relief of Rich. P. Blackstone—to the Committee on War Claims.

By Mr. GEST: A bill (H. R. 11561) granting cannon to the Soldiers and Sailors' Monument Association of Mercer County, Illinois—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 11562) granting a pension to Mrs. Isaac Brooks—to the Committee on Invalid Pensions.

Also a bill (H. R. 11563) granting a pension to Isaac N. Kline—to the Committee on Invalid Pensions.

By Mr. NEAL: A bill (H. R. 11564) correcting the military record of Calvin L. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 11565) granting a pension to Leah Henry—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 11566) granting a pension to E. C. Paschal—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 11567) for the relief of employes in the New York custom-house—to the Committee on Claims.

PETITIONS, ETC.

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

By Mr. DELANO: Petition of citizens of Conklin Forks, and of Norwich, N. Y., in favor of the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. HOUK: Petition of the administrator of J. S. Moffett, of Knox County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition asking that a pension be granted to Leah Henry, dependent mother of William Henry, late private Company D, Tenth Regiment Tennessee Cavalry—to the Committee on Invalid Pensions.

Also, petition of Joel J. Pyatt, for correction of the military record of Calvin L. Smith—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: Papers in the case of James Crutchett—to the Committee on the District of Columbia.

By Mr. T. L. THOMPSON: Resolutions of the Chamber of Commerce of San Diego, Cal., in favor of the Maritime Canal of Nicaragua—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

FRIDAY, October 5, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMPSON, of California, indefinitely, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. WHEELER to extend in the RECORD his remarks on the resolution proposing to give an extra month's pay to employes of the House.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3300) to enable the State of Colorado to select indemnity lands, and for other purposes; and

Joint resolution (H. Res. 101) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions for sale.

AMERICAN GROCER ASSOCIATION.

The SPEAKER. On the 1st of October the Senate passed and sent to the House a resolution requesting the House to return to that body the bill (S. 577) for the relief of the American Grocer Association of the city of New York. The Chair is advised by the Clerk of the House that the Journal shows that this bill, when originally laid before the House, was referred to the Committee on Claims, but it can not be found. The books of the distributing clerk of the House show that it went to that committee; but there is no receipt for it, and that clerk is now dead, so that no further inquiry can be made. The Chair would suggest the propriety of the Clerk of the House informing the Senate that the bill has been mislaid, and request that a duplicate be sent to the House. If there be no objection, that order will be made.

There was no objection.

J. W. PARISH & CO.

Mr. PEEL. I ask unanimous consent to take up for present consideration the bill (H. R. 9718) for the relief of J. W. Parish & Co. I desire to say that that bill was called up last Friday and the report read at length. Mr. OATES objected to its consideration, but since then, learning more about it, he has authorized me to withdraw his objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Joseph W. Parish, George C. Hadley, and William L. Huse, composing the firm of J. W. Parish & Co., out of any money in the Treasury not otherwise appropriated, the sum of \$18,500, the same to be compensation in full to said firm for losses sustained by it by reason of the refusal of the officers of the United States to receive and pay for 5,000 tons of ice which said Parish & Co. had been directed to furnish under a contract dated December 30, 1863, and signed by the medical purveyor of the United States Army stationed at Louisville, Ky., and by said Parish & Co., and approved by the Acting Surgeon-General of the United States.

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

Mr. DINGLEY. Reserving the right to object, I ask if this is the bill that was debated last Friday?

Mr. PEEL. It is the same bill, and to which Mr. OATES objected, but he has authorized me to withdraw his objection.

There was no objection.

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

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

The latter motion was agreed to.

MARY E. WALKER, M. D.

Mr. NUTTING. 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. 4265) for the relief of Mary E. Walker, M. D.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. This bill provides that the claim shall be taken up at an early day. Does the gentleman from New York [Mr. NUTTING] desire to pass the bill?

Mr. NUTTING. I desire to pass the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ROGERS. I would like to understand the provisions of this bill. Does it make an appropriation, or does it simply set a day for the consideration of the claim?

Mr. NUTTING. It provides for a payment of \$2,000.

The SPEAKER. The bill makes an appropriation of \$2,000. That is to say, the original bill appropriates \$10,000, but the committee propose to strike out "ten" and insert "two." Is there objection?

Mr. TURNER, of Kansas. I object.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order.

The SPEAKER. The regular order is demanded. This being Friday, the regular order is the call of committees for reports upon bills of a private nature.

Mr. LANHAM. I move that that order be dispensed with.

Mr. RICHARDSON. I ask the gentleman from Texas [Mr. LANHAM] to yield to me for a moment to introduce a resolution for reference.

Mr. LANHAM. I yield to the gentleman for that purpose.

AGRICULTURAL REPORT, 1888.

Mr. RICHARDSON, by unanimous consent, introduced a joint resolution (H. Res. 229) to print the Agricultural Report for 1888; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ASTRONOMICAL OBSERVATIONS OF NAVAL OBSERVATORY.

Mr. RICHARDSON also, by unanimous consent, offered a resolution to print the annual volumes of the astronomical observations of the Naval Observatory for 1886, 1887, and 1888; which was referred to the Committee on Printing.

ORDER OF BUSINESS.

The motion of Mr. LANHAM to dispense with the call of committees for reports was agreed to.

Mr. LANHAM. I now ask unanimous consent that gentlemen having reports to present may be permitted to file them with the Clerk.

There was no objection, and it was so ordered.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

MRS. SUE B. JOHNSON.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10649) to increase the pension of Mrs. Sue B. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOBILE AND GIRARD RAILROAD COMPANY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 10914) for the relief of the Mobile and Girard Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. NUTTING. Mr. Speaker, the gentleman from Kansas [Mr. TURNER] withdraws his objection to the consideration of the bill which I called up a few minutes ago for the relief of Mary E. Walker, M. D., and I ask that it be now considered.

The SPEAKER. The regular order has been demanded by the gentleman from Texas [Mr. LANHAM].

Mr. NUTTING. I hope the gentleman will withdraw that demand.

Mr. LANHAM. I can not do that now. Objection was made to the consideration of the bill. I now move that the House resolve itself into Committee of the Whole for the purpose of considering business

upon the Private Calendar; and pending that, I ask unanimous consent that we proceed in the same manner as on last Friday and the Friday preceding.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. KILGORE. Mr. Speaker, I think I shall be inclined to resist going into Committee of the Whole on the Private Calendar unless there is a quorum present.

The SPEAKER. The motion to go into Committee of the Whole House on the Private Calendar is pending, but the first question is on the request of the gentleman from Texas [Mr. LANHAM] for unanimous consent that if the House go into Committee of the Whole the same order of procedure shall be observed to-day as on last Friday and the Friday before.

Mr. KILGORE. I think I must object.

Mr. LANHAM. I wish to say in the hearing of my colleague [Mr. KILGORE] that under the arrangement heretofore made a number of gentlemen have been reached in regular order on the roll, and have had an opportunity to have claims considered in which their constituents were interested. I think, therefore, it is only fair that the call of the roll should be completed, so that other gentlemen, who agreed to that arrangement and that method of procedure, shall have the same opportunity as those whose names preceded theirs upon the roll, and I hope my colleague's sense of fairness to other gentlemen who have not yet been reached in the call will induce him to allow us to go on and complete the roll-call, so that members who desire consideration of measures which have been reported from committees of the House duly organized shall have an equal opportunity with others whose bills have been reached earlier.

Mr. KILGORE. I appreciate the observations of my colleague, but we all remember the state of things here last Friday when bills were passed appropriating over \$100,000, of which perhaps \$5,000 was for meritorious claims, and I am very much inclined to abide by the terms of a resolution which my colleague [Mr. LANHAM] introduced here recently, providing that no legislation shall be had at this session except upon the tariff, upon "trusts," and general appropriation bills. It is true that that resolution has not been adopted, but any gentleman upon this floor can, if he chooses, practically enforce its terms, and I am very much inclined to do it.

Mr. LANHAM. I should be glad to have the purposes of the resolution on "trusts" carried out.

Mr. HOOKER. I hope the gentleman from Texas [Mr. KILGORE] will withdraw his objection. We have all sat here and heard the roll called half through, and the bills of gentlemen whose names have been reached have been considered, and many of them passed, including, I believe, a bill for the gentleman from Texas [Mr. KILGORE] himself, and it certainly would be gross injustice to stop the call at this point.

Mr. ROGERS. Let me suggest also to my friend from Texas [Mr. KILGORE] that there are right-of-way bills, and bridge bills and other bills which do not take a dollar out of the Treasury, and which ought to be considered.

Mr. KILGORE. Are they on the Private Calendar?

Mr. ROGERS. Some of them are.

Mr. KILGORE. Well, Mr. Speaker, I give up. [Laughter.]

The SPEAKER. The gentleman from Texas withdraws his objection. If there be no further objection, pending the motion of the gentleman from Texas [Mr. LANHAM], the Chair will submit a request from the Committee on Public Buildings and Grounds, which is embodied in a resolution which the Clerk will now read.

ELECTRIC LIGHTS IN THE CAPITOL.

The Clerk read as follows:

Resolved, That the subcommittee on electric lights for the House wing of the Capitol of the Committee on Public Buildings and Grounds be, and is hereby, authorized to sit during the recess between the present and the second session of this Congress.

The SPEAKER. The Chair is advised that this resolution involves no additional expenditure, the committee having been already authorized to make the investigation. Is there objection to the adoption of the resolution?

Mr. JOHNSTON, of North Carolina. Mr. Speaker, as a member of that subcommittee, I would like to know whether the resolution requires us to stay here during the recess?

The SPEAKER. It does not.

The resolution was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question now is on the motion of the gentleman from Texas [Mr. LANHAM] that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. ALLEN, of Mississippi. I call for a division.

Mr. LANHAM. If the gentleman from Mississippi [Mr. ALLEN] is determined to insist upon the point of no quorum being present, it is unnecessary to take up further time in this way.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. LANHAM] that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to—ayes 38, noes 7.

Mr. McMILLIN. Would it be in order for me to submit at this time a privileged motion that when the House adjourns this evening it adjourn to meet on Monday next?

The SPEAKER. That motion can be made when the Committee of the Whole rises. It is not strictly in order now, the House having just voted to go into Committee of the Whole.

Mr. McMILLIN. I ask unanimous consent to submit the motion.

Mr. MORGAN. I object for the present. If gentlemen propose to filibuster this day away, we will keep them here to-morrow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2742) to incorporate the Brightwood Railway Company of the District of Columbia.

The message also announced that the Senate had passed without amendment the bill (H. R. 4765) for the relief of G. W. McAdams.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3340) for the disposition of Fort Brooke military reservation at Tampa, Fla., and for other purposes; and

A bill (S. 3501) relating to the classification of post-offices and amendment of the act approved March 3, 1883, entitled "An act to adjust salaries of postmasters."

The message also announced that the Senate further insisted on its amendments, disagreed to by the House, to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses upon said bill, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

ORDER OF BUSINESS.

The House resolved itself into Committee of the Whole House on the Private Calendar, Mr. RICHARDSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the Private Calendar under the order of business adopted heretofore when the Committee of the Whole was in session.

ESTATE OF RICHARD W. MEADE.

The CHAIRMAN. When the Committee of the Whole rose last Friday the gentleman from Iowa [Mr. HOLMES] was upon the floor making an explanation in regard to a joint resolution which he desired to call up for consideration—joint resolution (H. Res. 189) to amend and enlarge the provisions of a joint resolution approved July 25, 1886, "Joint resolution to refer the claim of the administrator of Richard W. Meade, deceased, to the Court of Claims." The Chair recognizes the gentleman from Iowa as now entitled to the floor.

Mr. HOLMES. Mr. Chairman, when this bill was last before the Committee of the Whole, I was making some observations in explanation of it. I stated that the Spanish Government had allowed the claim in this case in the sum of about \$300,000, and that the American commission appointed to investigate the matter had refused to make allowance or further to investigate the claim, because the original papers placed before the Spanish Government were not submitted by this claimant, nor would the Spanish Government permit of any use being made of them for the purpose of enforcing this claim before the American commission.

Mr. LANHAM. I rise to a parliamentary question. I would like to know what is the status of the joint resolution with regard to which the gentleman from Iowa [Mr. HOLMES] is now speaking. Has the question been submitted whether the Committee of the Whole will consent to its consideration?

Mr. HOLMES. Consent was given me to make an explanation of this matter; that is what I was doing when, on last Friday, I yielded for a motion that the Committee of the Whole rise.

Mr. SOWDEN. At that time I reserved the right to object when the matter should come up again to-day.

The CHAIRMAN. The Chair is informed that on last Friday the right to object after the statement of the gentleman from Iowa should be completed, was reserved. When the gentleman from Iowa has completed his statement the Chair will put the question whether there is objection.

Mr. NELSON. I ask that the bill be again read; some of us do not know what it is.

The Clerk read as follows:

Joint resolution (H. Res. 189) to amend and enlarge the provisions of a joint resolution approved July 25, 1886, entitled "A joint resolution to refer the claim of the administrator of Richard W. Meade, deceased, to the Court of Claims."

Whereas by joint resolution approved July 25, 1886, Congress referred the claim of Richard W. Meade, administrator of Richard W. Meade, deceased, to the Court of Claims "for adjudication thereof, pursuant to authority conferred

upon said court by any existing law to examine and decide claims against the United States referred to it by Congress;" and

Whereas the said court and the Supreme Court of the United States dismissed the said claim upon the ground that the said resolution did not confer upon them jurisdiction to hear and determine the said claim upon its merits: Therefore,

Resolved by the Senate and House of Representatives, etc., That the claim of Richard W. Meade, administrator of the estate of Richard W. Meade, deceased, be, and the same is hereby, referred to the Court of Claims with full jurisdiction and authority to determine and adjudge whether or not the said Richard W. Meade, deceased, had a valid claim against the Government of Spain which was released to the said Government by that of the United States; and if said court determine that such claim was so released, then it is hereby given jurisdiction and authority to pronounce judgment for such amount as it may find to have been justly and equitably due thereon: *Provided*, That no allowance shall be made for interest on said claim accruing after the date of such release: *And provided further*, That from any final judgment of said court or from any judgment on demurrer with leave to amend or plead either the claimant or the United States shall have the right of appeal to the Supreme Court of the United States, whose judgment in the matter shall be final.

Mr. SOWDEN. Mr. Chairman, so far as I may have intimated any objection to the consideration of this joint resolution, I withdraw it now, because I see that by the terms of the resolution there is reserved a right of appeal to the Supreme Court. The case is to undergo a thorough judicial examination, instead of being examined merely by a committee of this House.

The CHAIRMAN. The gentleman from Iowa will now complete his statement.

Mr. HOLMES. After the claim had been disallowed by the American commission Mr. Meade was without remedy. He had his judgment in the Spanish court, but the Spanish authorities maintained that by the treaty the claimant had been relegated to the American Government for the settlement of his claim; that it should be paid out of the \$5,000,000 provided in the treaty for the payment of certain claims. On the other hand, the United States Government contended that the claim was still due and owing by the Government of Spain.

What is sought in this case is that this matter may be sent to the Court of Claims for determination of the question whether or not the United States Government is liable; and if not, the further enforcement of the claim will be a matter of diplomatic correspondence between this country and Spain. That is all there is in this proposition. Not a dollar of appropriation out of the United States Treasury is asked, but simply an adjudication of this claimant's rights as between the United States and Spain—nothing more. This is certainly due to any claimant under such circumstances, particularly where a *prima facie* case is made out so absolutely as in this instance. General George G. Meade has deserved well of the people of this nation, and certainly this House is not prepared to do him or his family injustice in connection with a matter so plain on its face as this claim, the justice of which has been conceded so many times in various tribunals, by this Government, and by the Spanish Government as well.

I ask consent that the gentleman from Mississippi [Mr. HOOKER], who made the report in this case and who has given it more thorough investigation than I have, be allowed to make a statement in regard to it.

The CHAIRMAN. Is there objection to the present consideration of this joint resolution?

Mr. OATES. I do not understand just exactly what it is proposed to be done by this joint resolution, and would like to have the gentleman explain the present status of this matter.

The CHAIRMAN. The joint resolution is not before the committee for consideration. The question is whether the committee will consent to its being brought up.

Mr. OATES. I know that, but I wish to ask a question in reference to this Meade claim so that I may understand what it is proposed to do.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OATES. Has not a bill been already passed referring this question to the Court of Claims, and is not this joint resolution which it is now asked shall be called up for consideration in the nature of legislation amendatory of that which has been already passed?

Mr. HOOKER. If the gentleman from Iowa [Mr. HOLMES] will allow me, I will answer the interrogatory of the gentleman from Alabama, as I made the report from the Committee on Foreign Affairs, which was unanimous in favor of the passage of this joint resolution.

Mr. HOLMES. Certainly, I will yield to the gentleman for that purpose.

Mr. HOOKER. There was a resolution passed in 1886 referring this matter to the Court of Claims for adjudication. It was referred to the Court of Claims, and the Court of Claims passed upon it. From that judgment of the Court of Claims there was an appeal to the Supreme Court of the United States. The Supreme Court in rendering its opinion expressed its regret that the resolution adopted by Congress was not broad enough to give jurisdiction to the Court of Claims to adjudicate the whole question.

Mr. OATES. In what particular regard?

Mr. HOOKER. The Supreme Court of the United States expressed its regret in that opinion that the legislation of Congress did not give the Court of Claims jurisdiction to go into the matter of the judgment rendered by the Spanish court, as well as other matters necessarily involved in coming to a right decision upon the nature and validity of

this claim. Now, Mr. Chairman, Mr. Meade had for a number of years entered into contracts with the Spanish Government, fourteen in number, and when he made his claim before the Spanish Junta, where this was being considered, together with other claims against the Spanish Government, they rendered a judgment in his favor. In the treaty which was entered into between the United States and Spain under which we acquired Florida, the United States agreed to assume all liability on the part of Spain to citizens of this country to the extent of \$5,000,000. To the commission which was appointed under the treaty Mr. Meade presented his claim, but being unable to withdraw his papers from the Spanish Government and present them to the commission there was nothing before them upon which judgment could be rendered, and the term of three years having expired under the treaty the claim was rejected.

As I have already stated, Mr. Chairman, the Supreme Court of the United States in rendering its opinion upon the appeal taken from the decision of the Court of Claims expressed its regret that the legislation of Congress was not broad enough to take all these matters into consideration.

The resolution now pending merely proposes to give the Court of Claims full jurisdiction to pass upon the validity of this Meade claim, to go into the judgment of the Spanish Government in favor of Mr. Meade, and other matters necessary to arrive at a just conclusion. In other words, the legislation merely proposes to give the court full authority to go into the whole matter, with the right reserved to each party to appeal to the Supreme Court of the United States, as it is evident in a matter of this kind there can be no final disposition of the case until the Supreme Court of the United States has rendered its decision upon the whole matter.

Mr. OATES. From the investigation which I have been able to give this question, without having gone into the whole case, I am satisfied there is some justice in it. My desire was, in asking the question I did, to discover just exactly what was proposed to be done by this legislation.

Mr. HOOKER. If the Supreme Court decides that the Spanish Government by the judgment of its own junta was liable to Mr. Meade, and that the United States assumed under the treaty with Spain the liability of Spain to American citizens, then that is the end of the matter.

Mr. OATES. The gentleman's statement is satisfactory to me, and so far as I am concerned I do not interpose any objection.

The CHAIRMAN. If there is no objection, the joint resolution will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. ALLEN, of Mississippi. I object.

The CHAIRMAN. The question will then be submitted on laying the resolution aside to be reported to the House with the recommendation that it do pass. [After a pause.] The ayes seem to have it.

Mr. ALLEN, of Mississippi. Division.

The committee divided; and there were—ayes 45, noes 9.

Mr. ALLEN, of Mississippi. No quorum has voted.

Mr. LANHAM. I hope the gentleman in charge of this joint resolution will withdraw it, as it is evident a quorum is not present.

Mr. HOOKER. I hope the gentleman from Mississippi will not insist upon his point of no quorum. This is simply a resolution referring this matter to the Court of Claims for adjudication. There is nothing else in it.

Mr. LANHAM. I hope the gentleman from Iowa [Mr. HOLMES] will withdraw the resolution.

Mr. HOLMES. It does not seem to me, Mr. Chairman, there is anything in this case which requires I should withdraw it, and especially when it seems on the part of those present there is no very serious opposition to it.

Mr. CULBERSON. I demand the regular order.

The CHAIRMAN. The regular order is demanded, and the Chair will appoint as tellers Mr. HOLMES, and Mr. ALLEN of Mississippi.

The committee proceeded to divide.

Mr. LANHAM. I am informed by the gentleman from Mississippi that it is not his purpose to allow any bills to pass unless a quorum is present. That being the case, I move that the committee now rise.

The CHAIRMAN. That motion would not be in order while the committee is dividing.

Mr. HOOKER. I believe my name comes next on the roll. I have a little bill here, involving but a small amount—

The CHAIRMAN. The only business in order is the announcement of the vote by tellers.

The tellers reported—ayes 35, noes 5.

Mr. ALLEN, of Mississippi. No quorum.

Mr. LANHAM. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON reported that the Committee of the Whole House having had under consideration House joint resolution 189, had come to no resolution thereon.

Mr. LANHAM. I move that the House do now adjourn.

Mr. McMILLIN. Pending that I move that when the House adjourns to-day it be to meet on Monday next.

Mr. MORRILL. I hope the motion to adjourn will not prevail, because it cuts off the Friday evening session for pensions.

The SPEAKER. The motion of the gentleman from Tennessee does not interfere with the Friday evening session.

Mr. DINGLEY. Let the motion of the gentleman from Tennessee be adopted, but not the motion of the gentleman from Texas, which would cut off the night session.

Mr. WHEELER. I move as a substitute for the motion of the gentleman from Tennessee that to-morrow be substituted for the consideration of private bills.

The SPEAKER. That motion is not in order. The question being taken on the motion of Mr. McMILLIN, the House divided; and there were—ayes 65, noes 14.

Mr. MORGAN. No quorum.

Mr. LANHAM. I move that the House do now adjourn.

The SPEAKER. That is the pending motion.

Mr. HOOKER. I hope the gentleman will withdraw that motion and allow me to ask leave to present one bill. [Cries of "Regular order!"]

The SPEAKER. The motion of the gentleman from Tennessee is still pending.

Mr. HOOKER. I wish to ask unanimous consent to consider a bill. [Cries of "Regular order!"]

The SPEAKER. If the motion of the gentleman from Texas was withdrawn the Chair would have to proceed with the regular order, which is the appointment of tellers on the motion of the gentleman from Tennessee, on which a quorum is demanded.

Mr. HOOKER. The question of no quorum being made on the motion of the gentleman from Tennessee, is it in order to do anything else except to adjourn?

The SPEAKER. It is not, except to appoint tellers on that motion and complete the vote. If the motion of the gentleman from Tennessee is withdrawn, the Chair will submit the motion of the gentleman from Texas; otherwise the gentleman from Tennessee has priority under the rules.

The point of no quorum being made, the Chair will order tellers.

Mr. MORGAN and Mr. McMILLIN were appointed tellers.

The House again divided; and there were—ayes 42, noes 7.

The SPEAKER. Is the point of no quorum insisted upon?

Mr. ROWLAND. I make the point of no quorum.

Mr. LANHAM. I ask unanimous consent, then, that next Monday be substituted for to-day, and that Monday night be substituted for the night session fixed for to-day for pension bills, so that the House may adjourn over until Monday when it adjourns to-day. In other words, I ask unanimous consent that the order of business for to-day may be executed on Monday and Monday evening.

Mr. HOLMES. I understand under that arrangement that the bill just up would have its same status then that it has to-day.

The SPEAKER. Of course it would occupy the same position precisely if that order were made.

Is there objection to the request of the gentleman from Texas?

Mr. MCKENNA. I object.

Mr. LANHAM. Then I demand the regular order.

The SPEAKER. The tellers will resume their places.

Mr. MCKENNA. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there further objection?

Mr. FULLER. I object.

Mr. ALLEN, of Mississippi. I ask unanimous consent to make a statement for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALLEN, of Mississippi. I gave notice on yesterday evening, when it was objected that there was not a quorum here, and that therefore the House could not adjourn over until Monday—thinking that it took just about as many to pass a bill as to adjourn over, and that if less than a quorum was not sufficient to adjourn over less than a quorum ought not to be sufficient to pass any bills, I gave notice that no bills should pass to-day without a quorum; but I find a large number of gentlemen here who have unimportant bills—important to them, but unimportant as public measures of legislation—that they are anxious to pass; and I, as everybody knows, being a sort of an amiably-disposed person, and not wanting to obstruct things of that sort, I will, on the condition that the bill that I called a quorum on be laid aside without a favorable or any other recommendation, withdraw my objection to the House proceeding, and let us take up such bills as are unobjectionable and pass them.

Mr. MORGAN. With the understanding that we may proceed to-day as on the last two Fridays, I withdraw my objection to the motion of the gentleman from Tennessee.

The SPEAKER. But the gentleman from North Carolina made the point of no quorum on that motion.

Mr. ROWLAND. I withdraw the point.

Mr. McMILLIN. Still my motion is pending, and I ask the Chair to announce the result of the vote.

The SPEAKER. The ayes are 52, noes 8. The point of no quorum has been withdrawn; the ayes have it, and the motion of the gentleman

man from Tennessee [Mr. McMILLIN], that when the House adjourn to-day it be to meet on Monday next, is agreed to.

Mr. LANHAM. Mr. Speaker, I withdraw the motion to adjourn, and move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the Private Calendar, Mr. RICHARDSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the Private Calendar, under the same rule as obtained on Friday last.

Mr. HOLMES. I desire, in conformity with the request of several gentlemen, to withdraw the bill, consideration of which I had asked, without prejudice, and that it retain its place on the Calendar.

The CHAIRMAN. If there be no objection, that order will be made. There was no objection.

A. N. KIMBALL.

Mr. HOOKER. I ask consideration of the bill (H. R. 7151) for relief of A. N. Kimball and sureties on his official bond as receiver of public moneys.

The CHAIRMAN. The bill will be reported, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the Land Office and the proper accounting officers of the Treasury be, and they hereby are, authorized and directed, in the settlement and adjustment of the accounts of Aaron N. Kimball, late receiver of public moneys and disbursing agent at Jackson, Miss., to allow credit for the sum of \$1,176.71 (being the sum of \$924 of the public funds disbursed by him for clerical services, and for stationery and blanks procured for and used in the land office and receiver's office at Jackson, Miss., in a case of emergency upon a sudden and unexpected increase of the business of said offices, and the sum of \$252.71, interest at the rate of 6 per cent. per annum on the amount of said disbursements from May 2, 1883, to the 23d day of November, 1887, on which last-named date a judgment was rendered in the circuit court of the United States for the southern district of Mississippi against the said Kimball and his sureties on his bond as such receiver, for the said and other moneys). And it is further directed that a remitter be entered on said judgment for the amount of said credit.

It is proposed to strike out all following the enacting clause and insert:

That Aaron N. Kimball, late receiver of public moneys and disbursing agent at Jackson, Miss., be, and he is hereby, allowed credit for the sum of \$549 for clerical services rendered and blanks furnished his said office without the authority of the Secretary of the Interior, and for which said Kimball has not heretofore received credit. And the marshal for the United States in the district of Mississippi, and the United States court held at the city of Jackson, in said State, be, and he is hereby, directed and required to credit the said sum of \$549 on a certain judgment recovered in said court by the United States as plaintiff against said Kimball and the sureties on his official bond as defendants.

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

Mr. FULLER. I ask that the report be read.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 7151, having had the same under consideration, respectfully report:

Mr. Kimball was receiver of public moneys at Jackson, Miss., and in the final adjustment of his accounts with the General Land Office he claimed various items of credit, as follows:

ITEMS OF DISALLOWED ACCOUNT.

To amount paid Joseph S. Ware for clerical services from January 1, 1882, to April 30, 1883, as per Voucher A.....	\$415
To amount paid E. B. Comfort for clerical services from July 10, 1882, to April 3, 1883, as per Voucher B.....	35
To amount paid N. J. Smith for clerical services from March 4, 1883, to March 7, 1883, as per Voucher C.....	6
Amount paid Power & Barksdale for printing blanks, as per bill marked Voucher D, and samples from Nos. 1 to 10, inclusive.....	93
Amount paid Mrs. Mary C. Kimball for clerical services from January 1, 1882, to June 1, 1882, inclusive, as per Voucher E.....	375
Total.....	924

The following history of the case, from the Commissioner of the General Land Office, through the Secretary of the Interior, explains why this account was rejected:

DEPARTMENT OF THE INTERIOR, Washington, March 13, 1888.

SIR: There are transmitted herewith the report of the Acting Commissioner of the General Land Office on bill H. R. 7151, "For relief of A. N. Kimball and sureties, on his official bond as receiver of public moneys at Jackson, Miss.," and the papers accompanying said bill, as submitted by you on the 7th instant. Very respectfully,

WM. F. VILAS, Secretary.

HON. WILLIAM C. OATES,

Chairman of Subcommittee, Committee on the Judiciary,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 10, 1888.

SIR: I am in receipt of a communication under date of March 7, 1888, from Hon. W. C. OATES, chairman subcommittee on the Judiciary, House of Representatives, inclosing House bill No. 7151, "For the relief of A. N. Kimball and sureties, on his official bond as receiver of public moneys," with accompanying papers, with a request that he be furnished with a "history" of the case, and in reply thereto have to state as follows:

That under date of May 5, 1883, Mr. A. N. Kimball transmitted to this office an account for fractional quarter ending April 30, 1883, debiting the United States with the sum of \$549 claimed to have been expended by him for clerical services rendered from January 1, 1882, to April 30, 1883, and for certain blanks furnished the land office at Jackson, Miss., from October 28, 1880, to January 25, 1883.

This account was rejected and returned to him under date of September 17, 1884, because no authority had been given him to make these expenditures.

Nothing further was heard from the account until November 5, 1887, when Mr. A. N. Kimball presented an account for fractional quarter ending April 30, 1883, to this office, supported by vouchers for expenses incurred by said Kimball, as receiver, at Jackson, Miss., from January 1, 1882, to June 1, 1883, amounting to \$924, which included the \$549, previously rejected, and the further sum of \$375 for clerical services rendered to June 1, 1883.

The honorable Secretary of the Interior was advised, under date of November 14, 1887, that the claim of Mr. Kimball could not be allowed without the approval of the Secretary, as is required by section 2253, United States Revised Statutes.

It stands unexplained why Mr. Kimball should submit to this office, under date of November 5, 1887, an account purporting to be for fractional quarter ending April 30, 1887, and containing an item of \$375 for clerical services, \$75 of which said amount is for services claimed to have been rendered during a period of one month subsequent to the date for which said account is rendered and of the expiration of his term of office, and also why the balance of said \$375, amounting to \$300, claimed to have been expended for clerical services from January 1 to April 30, 1883, was not included in his account May 5, 1883, for fractional quarter ending April 30, 1883, and rejected as above set forth.

If Mr. Kimball expended the sum claimed for clerical services and blanks, and the United States received the benefit of the same, it is for Congress to determine whether he is entitled in equity to relief or not, and whether he shall be allowed it, notwithstanding the expenditure claimed to have been made was without authority of the Secretary of the Interior, as required by law, and the fact that he was advised by this office that the clerical services could not be authorized. See letters submitted and returned herewith.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

HON. W. F. VILAS,
Secretary of the Interior.

Your committee, while disapproving the course of Mr. Kimball in incurring expenses of his office without authority of the Secretary of the Interior, yet, under the peculiar circumstances, herewith report a substitute and recommend its adoption, allowing him a credit on a judgment recovered by the United States against him and the sureties on his official bond in the United States circuit court at Jackson, Miss., for \$549, rejecting \$375, the last item in his said account, because the same is not sufficiently explained and proven to entitle him to a credit therefor.

Mr. OATES (during the reading). If the Clerk will suspend the reading I will explain the claim in a few words.

The claimant was receiver at the land office at Jackson, Miss. At a time when there was a great run on the office, the clerical force which he had was unable to do the work, and he ran out of blanks. He took the responsibility of employing additional clerks and having blanks printed for use in his office. After he passed out of office there was a suit brought against him on his bond for a considerable amount—\$1,500 or \$2,000—and he was found to be insolvent; but his sureties were solvent, and they were unable to use this claim, which amounted to about \$900, included in these items. They were unable to use it as a set-off. It was not allowed by the Department, because he had not obtained the authority of the Commissioner of the General Land Office to make this expenditure. After the committee had the benefit of an explanation of the Commissioner of the General Land Office we decided that at least \$531 of the claim should be allowed as a credit, giving his sureties the benefit of it on the judgment against them. Some \$400 of his claim was rejected by the committee, because we did not think the proof was quite sufficient.

Mr. HOOKER. You recommended that \$549 be allowed?

Mr. OATES. Yes. The amount proposed to be allowed is \$549, and is certainly just.

Mr. FULLER. I would like to ask the gentleman a question. Did this officer ever make any claim to the Department for this expenditure before he was sued on the bond?

Mr. HOOKER. Oh, yes; repeatedly.

Mr. OATES. He claimed it, but it was not allowed.

Mr. FULLER. Were the claims refused by the Department?

Mr. OATES. They were refused, and the Commissioner of the General Land Office makes the statement that they were not allowed because they did not want to establish the precedent of any inferior official expending any amount without the consent of the Department. But they do not dispute the fact that the expenditure was made and that it was necessary.

Mr. FULLER. Then the amount was claimed before he was sued upon his official bond?

Mr. OATES. Oh, yes.

Mr. TURNER, of Georgia. Did he ask the Department for authority to employ the extra help?

Mr. OATES. He first employed them and then applied for consent; and the only ground on which it was refused at the time was that the appropriation was short. When he went out of office it had not been paid.

Mr. TURNER, of Georgia. I would ask the gentleman if he thinks, with his large experience of legislation here, that it would be prudent to allow officers to employ extra help without first obtaining the consent of the proper Department?

Mr. OATES. I think as a rule it would not be right and I would not sanction it. I think the Department made a correct decision in not permitting a precedent to be made; but there are such equities in this case, the Government getting the benefit of that expenditure, that it looks hard to require the sureties to pay the amount after the Government has got the benefit of the expenditures. I think the equities would be to give them the benefit of that much. Now the whole claim was about \$900. We rejected the items about which there was some doubt, but there is no doubt about the amount we now recommend.

Mr. RYAN. Do I understand that this claimant had made application to employ these clerks before he did employ them?

Mr. OATES. It was about the same time. He employed the clerks because there was a rush upon the office, and he did not like to refuse the entries on account of a deficiency of clerical force. He sent his application on and went ahead. The clerks commenced doing the work, and he received an answer in a week, or perhaps a month, that the request could not be complied with, because the appropriation was short.

Mr. RYAN. Is that a maximum office?

Mr. OATES. I can not say as to that. It was laid before the Judiciary Committee, and after canvassing it fully they decided unanimously that that credit ought to be allowed under the exceptional circumstances of this case.

Mr. FULLER. Mr. Chairman, I think this is a very bad precedent to establish, and I shall have to object.

The CHAIRMAN. Is there further objection to the consideration of this bill?

Only three members objected—not a sufficient number.

Mr. HOOKER. I will move that the bill be laid aside to be reported to the House with the recommendation that it do pass. Before submitting that motion, however, I wish to read the concluding sentence of Mr. Stockslager, the Acting Commissioner. He says:

If Kimball expended the sum claimed for clerical service and blanks, and the United States received the benefit of the same, it is for Congress to determine whether he is entitled, in equity, to relief or not, and whether he shall be allowed it notwithstanding the expenditure claimed to have been made was without authority of the Secretary of the Interior, as required by law, and the fact that he was advised by this office that the clerical service which he desired would not be authorized.

Mr. TURNER, of Georgia. Will the gentleman from Alabama [Mr. OATES] state precisely what the items are for which payment is recommended?

Mr. OATES. They are stated in detail in the report. The last item, \$375 for services rendered by Mrs. Kimball, was rejected by the committee and is not embraced.

Mr. TURNER, of Georgia. Why was that rejected?

Mr. HOOKER. I understand that that was rejected by the committee because they did not have sufficient proof of the rendition of the services by Mrs. Kimball, but in point of fact she is more entitled to pay than anybody else, in my judgment.

Mr. OATES. There was some testimony taken by the subcommittee of which I am a member; but as to this item for clerical services said to have been rendered by the wife of the claimant, there was no evidence of the rendition of the service except his affidavit and hers. As to the other services, however, which we reported favorably upon, there is no question; several affidavits were submitted proving that the services were rendered, and well rendered; and also as to the blanks, it was shown that they were furnished and that only a reasonable price was charged for them.

Mr. TURNER, of Georgia. Do not the account and the proof show that these clerical services were obtained by this officer after he had been notified by the Department that it would not authorize the employment or furnish the compensation?

Mr. OATES. That was the case in respect to the service which he claimed to have been rendered by his wife.

Mr. TURNER, of Georgia. Was it not the case as to the whole of the services?

Mr. OATES. No, not as to the whole; only as to part. He renewed his application. There were two or three different applications.

Mr. TURNER, of Georgia. Now, I want to ask my friend from Alabama whether in his judgment it would be wise in Congress to sanction any such extraordinary course as that of this official. A postmaster or any other officer of the Government having asked for authority to expend the public money in a certain manner, and having been refused, does my friend think it would be proper to permit him to go on and incur expenses on his own responsibility and then come to Congress and ask reimbursement either for himself or his securities? Does not the gentleman know that that would tend to encourage similar expenditures on the part of public officials, who would rely upon Congress to make the amount good later?

Mr. OATES. I stated a few moments ago that I thought the Department was right in not allowing a precedent of this kind to be set up there. But herein lies the equity in favor of those who would benefit by it in this case. The blanks were actually furnished and the printer was paid for them. The services upon which we have reported favorably were actually rendered, and lands were being entered and money paid there, and the Government of the United States actually received the benefit of those services. The money went into the Treasury, and while the act of the officer was not warranted, while it was irregular, and while, if no one but the officer himself was to suffer, it might be well not to relieve him—in fact, I do not think I would vote to do it—yet when the man's sureties are concerned, and when the Government received the full benefit of these services and these expenditures, it seems to me rather a hard case not to allow this credit on the judgment. I think there is an equity in the matter, and it is a case that must rest on its own bottom. It is not likely to be a precedent, nor, so far as Congress is concerned, is it likely to influence our

future action. I think it ought not to have been established as a precedent in the Department, but I think the parties are entitled to relief here to the extent recommended. There was some doubt in my mind as to whether the service claimed to have been rendered by this man's wife ought to be paid for, because, in addition to other reasons, those services were clearly rendered after he knew of the refusal of the Department to sanction the expenditure. As to the \$549, I think the allowance is clearly right.

Mr. CATCHINGS. For how long a period of time was this extra clerical force employed?

Mr. OATES. Only a short time. There was a run made upon the office when there were a great many people taking up land.

Mr. CATCHINGS. Was it not nearly a year?

Mr. OATES. Oh, not so long—only two or three months.

Mr. HOOKER. Unless some gentleman desires to say something more on this subject, I will move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. TURNER, of Georgia. Mr. Chairman, I have great respect for the judgment of the gentleman from Mississippi [Mr. HOOKER], as well as the gentleman from Alabama [Mr. OATES], on this question, formed, as no doubt it is, upon fair and considerate attention; and this being a small matter, I would be glad to waive any scruples I may have in regard to it. Small matters as well as large ones make precedents, and I doubt very much whether it would be wise on the part of Congress to set the example of compensating an officer who upon his own responsibility has incurred an expenditure of this sort. We may regret the hardship to his sureties, but I think it much better that a man who has voluntarily incurred a sacrifice of this sort, with full notice that he does so without authority, should suffer the burden of the expenditure rather than that public policy should be violated by Congress in compensating him for an expense incurred in this way.

Mr. HOOKER. I have only a word to say in reply to what has fallen from the gentleman from Georgia [Mr. TURNER]. In the several Departments of the Government, particularly in the Land Department, there arises occasionally necessity for the employment of extra clerical force. Of course the Department has, and ought to have, a supervision of this matter, and usually directs whether the extra force shall be employed. But instances have come to my knowledge in which a register or receiver at a land office has been constrained to employ clerks for the performance of the duties of the office, assuming himself the risk of having the Commissioner grant an extra allowance for such services; and in several instances the Commissioner has granted such an allowance. In this instance the Commissioner says himself that, while he did not grant the allowance, there is no sort of question, as the committee has shown in the report, that the services were rendered, that the Government received the benefit of them; that this money was expended for the purpose of purchasing blanks which were absolutely necessary for carrying on the business of the Land Office. There is no sort of question about any one item of the account.

Mr. TURNER, of Georgia. Will the gentleman allow me to conclude this whole matter, so far as I am concerned, by putting a case to him? Take the case of the postmaster at the city of Jackson, Miss. No doubt there is sometimes at that office a great pressure of business in the distribution of mails, etc., and allowances are frequently made for extra expenses at offices of that magnitude. Now, suppose the postmaster at that city, after asking the Postmaster-General to make a special allowance for such service, and after the refusal of such application (the postmaster having been informed that the allowance could not be made on account of the state of the finances), should go on and employ an extra clerk to help him. Would the gentleman favor an appropriation to reimburse the postmaster in such a case?

Mr. HOOKER. I would not; and I will tell the gentleman why. That is altogether a different case. The administration of the postal business in any city or town—Jackson, Miss., or anywhere else—is usually provided for by an appropriation made by Congress which is deemed adequate for the purpose, and the employment of an additional clerk by the mere action of the postmaster is certainly a condition of affairs which could hardly arise, because there is no such increase in the business of the Post-Office Department from day to day, from week to week, from month to month, as may arise in the Land Office, and as did arise in this case.

Mr. ROGERS. Mr. Chairman, the case put by my friend from Georgia [Mr. TURNER] is, as he states it, a very strong one; and in any ordinary case I should accept his judgment on a point of this kind as correct. But I submit to him that he overlooks the controlling element in this case. While I do not distinctly recall the circumstances of this case, my recollection of it, as it came before the Judiciary Committee, has been somewhat refreshed by the observations of my friend from Alabama [Mr. OATES]. As he states, the Land Office declined to make an allowance to this officer because of the fact that there was an absence of appropriation, that the appropriation for work of this sort had been exhausted. There is an act of Congress prohibiting any of the Departments from making any contracts or allowances in excess of the appropriations made by law.

Now here was an emergency—one of a class of emergencies arising from time to time—where the necessities of the office, the convenience

of the people in the proper and speedy dispatch of the public business required an official force for which Congress in its original appropriations had not made provision. To illustrate: At Eureka Springs in our State, some years ago, waters of a medicinal character, or supposed to be medicinal, were discovered; and where there had been a barren waste there was within a few months a population of 5,000 people. The post-office there was completely overrun, persons waiting at the office in large numbers to obtain their mail. The postmaster, with the allowances made to him, could not properly dispatch the duties of his office, and no additional allowance was made by the Department to enable him to do so. Now, the question is whether a public officer, when an emergency like that, unanticipated and unprovided for, arises, should be allowed to neglect or disregard the necessities of the public. In that case, or in some other case of that character (I am not sure about the particular case), the Forty-ninth Congress, when the subject was brought to its attention, made proper provision for the reimbursement of the officer who had been compelled to decide between abandoning the discharge of the public business or staying there and for the time being bearing the additional expense himself. My friend who represents that district states that provision was made by Congress for the reimbursement of the officer in that instance.

Will any gentleman maintain that under such circumstances Congress ought not to have granted relief? And that case is analogous to the one now presented. The Department would have granted the necessary allowance, but Congress had failed to make adequate appropriation, and by statute the Department was prohibited from sanctioning any additional expenditure.

Mr. OATES. I desire to state that the fund appropriated in the general appropriation bill for clerical work in the local land offices is apportioned at the beginning of the year; and the amount apportioned to this particular office was exhausted before this "run" was made upon it. The land officers could not foresee that this rush of business would occur; and as the amount apportioned was exhausted, there were no funds from which an additional allowance could be made.

Mr. ROGERS. Mr. Chairman, one other observation and then I will yield the floor to my friend.

There is a provision of the statute regulating the Department of Justice in this way. Very recently during the present session of Congress—

Mr. TURNER, of Georgia. The gentleman from Arkansas will admit it was a wise public policy which was embodied in that statute.

Mr. ROGERS. Yes; I do. I should regard it in a case of public emergency where the public interests are involved to be an unjust and unwise policy not to be allowed in its discretion to make ample provision for such emergency. To illustrate. Recently, in the case of an important investigation, it was found necessary on the part of the Department of Justice to take certain depositions. They were in the progress of taking them in the city of Philadelphia when the Department discovered they would be unable to meet the expenses of the counsel engaged in taking those depositions under notice already served, and when the taking of those depositions was in progress. Now, was the Government to withdraw this special counsel and permit these depositions in which the Government was interested to be taken *ex parte* and without compensation because the statute provided they should not proceed without the funds to carry on the business? Would the Congress of the United States in a case of that kind, when properly presented and when the Department of Justice had taken the responsibility to have these depositions taken, refuse to award compensation to the counsel who were engaged in that work? Certainly not; and they did not refuse to make provision at this very session of Congress, in the general deficiency bill, to provide for the expense incurred in taking those depositions.

Mr. HOOKER. I will now yield to the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. Mr. Chairman, I have listened to the discussion which has taken place, and the case which has been referred to by my colleague is one in point. I wish to say I am familiar with that case. In my district when the Eureka Springs were first discovered the country where they are located was a wilderness. In a little while after the discovery of the springs, in 1881, people had flocked in there from all directions, and it became necessary to accommodate the public that a post-office should be established for the collection and distribution of the mail. A fourth-class post-office was established at that place, where there had accumulated some ten or fifteen thousand population.

As a matter of course, the Post-Office Department could not allow under the law an assistant in that post-office to help in the distribution of the mail, although such assistance was needed. The postmaster paid the money out of his own pocket to provide a sufficient force to accommodate the public needs. I introduced a bill for relief in that case, and it was reported favorably in the Forty-eighth Congress, to reimburse the postmaster for the money which he had paid out of his own pocket to accommodate the public while he was in the management of that post-office. It was a case of emergency which had arisen unexpectedly, and it was necessary to accommodate the people in receiving and collecting the mail; and it was just such a case where the

Congress of the United States should intervene to make good whatever losses were suffered on the part of the postmaster.

Mr. HOOKER. I now yield to the gentleman from Iowa [Mr. FULLER].

Mr. FULLER. I wish to say a word in reply to some of the statements made by the gentleman from Arkansas [Mr. ROGERS]. It seems to me if his line of policy is pursued as indicated by his argument we will then have a case of this kind every session of Congress, upon the ground that the amount placed in the hands of these land officers was not sufficient.

Mr. ROGERS. The amount in the case of the Commissioner was not sufficient.

Mr. FULLER. I understand there is a certain amount in the hands of each one of these land officers to meet the expenditures under their management. I remember the case of the Lamar office in Colorado. Owing to the great amount of business in that office this money was exhausted. So in many other offices where the expenses in behalf of the public interests have exceeded the amount which they had on hand, owing to the amount of business which had been suddenly thrown upon them. Now, if we should establish a precedent like that indicated by the gentleman from Arkansas, that because there was a necessity in the case they should go on and hire extra help and come in afterwards to Congress for relief, we may expect an accumulation of cases of that character at every session of Congress. I think it is a dangerous practice, and one which ought not to be encouraged.

Mr. HOOKER. I think the House is ready to vote on this amendment. This is not asked in behalf of the man who did the work and who paid for the help which became necessary, but it is to make the allowance to the sureties involved in this suit.

The CHAIRMAN. The first question is on the pending amendment.

Mr. FULLER. I ask for a division.

The committee divided; and there were—ayes 29, noes 3.

Mr. FULLER. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. HOOKER and Mr. FULLER. The committee again divided; and the tellers reported—ayes 32, noes 1.

Mr. FULLER. While I still think this is a bad precedent, I do not feel like stopping the public business and will therefore withdraw the point of no quorum.

Mr. HOOKER. Thank you, sir.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CALL OF THE LIST OF MEMBERS.

The Clerk proceeded to call the list of members.

Mr. RICE. I rise, Mr. Chairman, for the purpose of stating that the gentleman from Indiana [Mr. HOWARD] is detained from the Hall by sickness in his family, and to ask that by unanimous consent his name be passed over without prejudice to his right under the call.

There was no objection, and it was ordered accordingly.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. HUDD. I call up for present consideration the bill (H. R. 5043) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin.

Mr. DUNN. Is that a private bill?

The CHAIRMAN. It is on the Private Calendar, and is a private bill.

The bill was read, as follows:

Whereas a treaty was entered into on the 5th day of February, 1856, by and between the Government of the United States and the Stockbridge and Munsee Indians, in which the said Indians ceded certain lands to the United States, and accepted, in consideration thereof, certain lands as a reservation, to which said Indians removed, and upon which they have ever since resided; and

Whereas by the interpretation placed by Government officials on the act of February 6, 1871, an act for the relief of said Indians, a large part of said Indians (and their descendants) who signed said treaty of 1856, and have continued with said tribe from the making of said treaty to the present time, are excluded from participating in tribal funds and the right to occupy said reservation: Therefore *Be it enacted, etc.*, That all persons who were actual members of said tribe of Indians at the time of the execution of the treaty of February 5, 1856, and their descendants, and all persons who became members of the tribe under the provisions of Article VI of said treaty, and their descendants, who did not in and by said treaty, and have not since its execution, separated from said tribe, are hereby declared members of said Stockbridge and Munsee tribe of Indians, and entitled to share in former tribal funds and the occupancy of tribal lands.

SEC. 2. That it shall be the duty of the Secretary of the Interior, without unnecessary delay after the passage of this act, to cause to be taken an enrollment of said tribe on the basis of the provisions of this act, which enrollment shall be filed, a copy in the Department of the Interior and a copy in the records of said tribe.

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

There was no objection.

Mr. HUDD. This is a bill which involves no appropriation of money. It provides merely a mode of settling the differences or disputes between a tribe of Indians residing in Wisconsin. It has been reported favorably by prior Congresses, and the gentleman from Minnesota, my colleague on the Committee on Indian Affairs [Mr. NELSON], has made two reports similar to the one now pending before the House. The bill

only failed on final passage because of not having been reached. It has received unanimous reports from the Indian Committee of three Congresses. It makes no appropriation, is recommended by the Interior Department, and strongly by the Commissioner of Indian Affairs. So I presume there will be no objection to its passage.

I move that it be laid aside.

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

J. GEORGE RUCKSTUHL.

Mr. HUTTON. I ask present consideration of the bill (H. R. 338) to remove the charge of desertion from the military record of J. George Ruckstuhl.

The bill was read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove from the military record of J. George Ruckstuhl, late a first lieutenant in the Ninety-seventh Illinois Volunteers, the charge of desertion, and to cancel all penalties and forfeitures arising therefrom.

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

Mr. HUTTON. There is an amendment I desire to offer to the bill, and also an amendment to the title.

The CHAIRMAN. The question of amending the title will come up hereafter in the House. The first question is, Will the committee now consider the bill.

Mr. KILGORE. Let us have the report read.

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

They find that he was mustered into the United States service as first lieutenant of Company C, Ninety-seventh Regiment of Illinois Volunteer Infantry, September 16, 1862. That he was left at Camp Smith, Kentucky, on November 11 to superintend the burial of a dead soldier, and that he did not rejoin his regiment until February 1, 1863, during which time he was "absent without leave." Charges were preferred against him, but he tendered his resignation, to take effect December 31, 1862, which resignation was accepted by General U. S. Grant in general orders March 2, 1867.

In the tender of his resignation he states that it is on the ground of "ill-health," which statement is verified by the certificate of two surgeons who testify to the fact.

In regard to his "absence without leave" Ruckstuhl makes the following statement: That he was left under a verbal order of General A. J. Smith at Nicholasville, Ky., to bury one D. C. Fulton, a member of his regiment; that he did so remain, and after having performed this duty he started to rejoin his regiment; that on arriving at Frankfort he was taken severely ill; that he left his detail at that point, telling them that he would rejoin his regiment at Louisville; that on his arrival at Louisville, Ky., he was unable to rejoin his regiment, as he was suffering from a severe hemorrhage, in consequence of which he was unable to travel; that while in Louisville he was under the care of one Dr. Coke, who is now dead.

This statement of the facts in the case Mr. Ruckstuhl makes under oath, and is supported by the affidavits of one Gottlieb Beih and Mary Daesschofer, who both testify to the fact of his illness in Louisville, Ky.; that he was confined to his bed for about six weeks under the care of Dr. Coke, who has since died. The time that these two witnesses testify as to the duration of his illness covers the period for which he is reported "absent without leave from his regiment."

Your committee recommend that the words in the sixth line of the bill, "the charge of desertion," be stricken out and the words "absence without leave" be inserted in lieu thereof, and that when so amended the bill do pass.

There being no objection, the bill was considered, the amendment recommended by the Committee on Military Affairs adopted, and the bill as amended laid aside to be reported to the House with the recommendation that it do pass.

HYLAND C. KIRK AND OTHERS.

Mr. JACKSON. I ask the present consideration of the bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher.

The bill was read at length.

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

Mr. KILGORE. I think the report ought to be read in that case.

The CHAIRMAN. The report will be read, subject to objection.

The report was read at length.

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

Mr. KILGORE. What is the amount of the claim that is proposed to be presented here to the Court of Claims?

Mr. JACKSON. I will say that this is a Senate bill, and I am not so familiar with the facts as other gentlemen on the floor to enable me to answer questions with regard to the bill. The principal information that I have in respect to it was gathered from an examination of the report of the Senate and the accompanying exhibits. I think the gentleman from New York [Mr. BAKER] has given it more attention and can probably answer fully any questions that may arise in regard to it.

The CHAIRMAN. Without objection, the gentleman from New York will make a statement in reference to the bill.

Mr. KILGORE. What amount does it involve?

Mr. BAKER, of New York. Mr. Chairman, this bill was in charge of my colleague from New York [Mr. DAVENPORT] who is absent, but at his request I have informed myself of the facts on record in the case. This matter was examined when pending in the Court of Claims, which court decided that in case the finding was substantially in favor of claimant—but I will read the exact language of the court. They say:

The court find that one-twentieth of 1 per cent. of the amount so collected,

to wit, the sum of \$35,151.33, would be a reasonable royalty for the use of the device, if the claimant is entitled to recover therefor.

Mr. KILGORE. That is the whole amount involved?

Mr. BAKER, of New York. As I understand it, that is the whole amount involved in this claim.

Mr. KILGORE. My understanding is that it may run up into the hundreds of thousands of dollars.

Mr. BAKER, of New York. This is the finding of the Court of Claims, and so stated by Mr. DAVENPORT, and given to me also by other parties familiar with the facts of the case. They inform me that something over \$35,000 is the limit of the amount stated by the court as a reasonable royalty for the use of the device, if anything at all is to be recovered.

The CHAIRMAN. The question first is, Will the bill be considered?

Mr. KILGORE. I think I will have to object to the consideration of this bill.

The CHAIRMAN. The question then is, Will the committee consider the bill?

Two members only rising to object, the bill was ordered to be considered.

The CHAIRMAN. The question is on laying the bill aside.

Mr. KILGORE. I give notice, Mr. Chairman, that my objection does not end here. I shall insist upon the point of no quorum with reference to this bill. It is too important to be passed in this manner.

Mr. BAKER, of New York. In view of that statement and rather than obstruct the other business to-day, I suggest to the gentleman from Pennsylvania to withdraw the bill.

Mr. JACKSON. Under the circumstances, and at the instance of the gentleman from New York, I will withdraw the bill for the present.

JOHN R. TREUTLEN.

Mr. JOHNSTON, of North Carolina. I ask consideration of the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to the heirs of John R. Treutlen, late an employé in the House of Representatives, \$333.33, being the difference in the salaries paid to laborers and that paid to messengers, which latter office he filled from the 7th day of April, 1881, to the 17th day of December, 1881, performing all the duties of messenger and receiving only the pay of laborer.

SEC. 2. That the amount necessary to pay the same is hereby appropriated and made immediately available.

The CHAIRMAN. Is there objection to the consideration of this bill? The Chair hears none.

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

JOHN GRAY.

Mr. KEAN. I ask consideration of the bill (H. R. 11165) for the relief of John Gray.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to John Gray, late major of the One hundred and seventy-fifth New York Volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a major of infantry from the 19th of November, 1862, the date he received his commission as major from the governor of the State of New York, to the 17th day of January, 1863, the date he is borne upon the record as having been mustered into the service as major of said regiment.

Mr. ROGERS. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 11165) for the relief of John Gray, report as follows:

This is a claim for pay for services rendered prior to muster, by John Gray, formerly major of the One hundred and seventy-fifth Regiment New York Volunteers.

The claimant applied to the War Department for relief, and was denied in 1886, for the reason that "his muster into service as major January 17, 1863, recognized him from the earliest date by completion of his command."

The proof shows that John Gray was commissioned major of the One hundred and seventy-fifth Regiment New York Volunteers on the 19th of November, 1862, by the governor of New York, and served in that capacity without pay until January 17, 1863.

Having obtained the benefit of Gray's services, the Government ought not to set up a technical plea in bar of its obligation to make compensation therefor, and your committee are of opinion that payment should be made to Maj. John Gray.

Your committee report back the bill, and recommend its passage.

The CHAIRMAN. Is there objection to the present consideration of this bill? The Chair hears none.

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

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. KILGORE. Mr. Chairman, I have a bill here that I want to call up for a friend of mine. I will take charge of it.

Mr. BAKER, of New York. I am informed that there is some question about this bill. How much is there involved in it?

Mr. KILGORE. Not a cent.

The Clerk read the title of the bill, as follows:

A bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

The CHAIRMAN. The Chair is informed that this bill is on the House Calendar.

Mr. DUNN. It is a private bill, to create a private corporation.

The CHAIRMAN. The Chair will state that he understands the rule to apply to only those bills which are on the Private Calendar.

Mr. DUNN. I would like to know why it is not on the Private Calendar. It is a private bill, and the rule was intended to comprehend and take in all private bills; and all private bills ought to be on the Private Calendar.

The CHAIRMAN. The time to have made that question would have been when it was referred to the House Calendar.

Mr. DUNN. I submit that an erroneous reference of a bill ought not to deprive it of its privilege under this call. The fact that it is on the Private Calendar is a very technical question that ought not under the rule to exclude its consideration.

The CHAIRMAN. The Chair would not by its ruling undertake to exclude a private bill. If there be no objection, the bill will be read, after which the Chair will ask for objection to its consideration.

Mr. CULBERSON. I object.

Mr. DUNN. It has not arrived at the stage for objection. The question is on the point of order.

The CHAIRMAN. The Chair has not called for objection. This discussion is simply upon the point of order, and the Chair has not ruled on the point of order—

Mr. MORGAN. I understand the Chair to state that this bill did not come under the present call, but that it might be called up by unanimous consent.

Mr. DUNN. The Chair called attention to the fact that the bill is on the House Calendar. I state that the bill is a private bill and ought to be on the Private Calendar.

Mr. LANHAM. I raise the point of order on the bill.

Mr. CULBERSON. I demand that the bill be read.

Mr. KILGORE. I understand that the House bill is on the Private Calendar.

Mr. BAYNE (to Mr. KILGORE). Call up the House bill and substitute it for the Senate bill.

Mr. KILGORE. I will just call up the House bill instead of the Senate bill.

Mr. LAWLER. Mr. Chairman, I would like to ask how this bill comes up at this time.

Mr. DUNN. The bill is trying to get up now.

Mr. LAWLER. I object to its consideration.

The CHAIRMAN. The time has not come for objections. The Chair is informed that the House bill is on the Private Calendar. The objection would be waived for that reason, and the point of order would not lie against its consideration. I now ask if there is objection to the consideration of the House bill?

Mr. CULBERSON. Let the House bill be read.

The CHAIRMAN. The House bill will be taken up, and after it is read the Chair will ask if there is objection to its consideration.

The bill (H. R. 5616) was read for information.

The CHAIRMAN. Shall the bill be considered?

Mr. CULBERSON. I make the point of order that that bill is not upon the Private Calendar.

The CHAIRMAN. The bill which has just been read is on the Private Calendar.

Mr. CULBERSON. The one that I have is not on the Private Calendar.

Mr. DUNN. But when objection was made the gentleman called up the House bill instead.

The CHAIRMAN. The bill which has just been read is on the Private Calendar, page 41. Those who are opposed to the consideration of the bill will rise and stand until counted.

Seven members objected—more than a sufficient number; so the bill was not considered.

STATE NATIONAL BANK OF NEW ORLEANS.

Mr. LAFFOON. I call up the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank. The bill was read, as follows:

Be it enacted, etc., That the claim of the State National Bank of New Orleans, formerly Louisiana State Bank, for the payment of the proceeds of cotton belonging to said bank taken by the agents of the Treasury Department, of the United States, in the States of Louisiana and Arkansas, after the 30th day of June, 1865, and the same is hereby, referred to the Court of Claims for adjudication, and that said bank may institute suit in said court and the same shall be tried and adjudicated the same as if said action had been filed within the time authorized by law; that the testimony and original papers filed by said bank before the Treasury Department of the United States in connection with said claim be, and the same shall be, received by said court as evidence as if taken or filed under the rules of said court; that the said bank and United States may take further evidence as may be deemed proper, subject to the rules for taking testimony in said court.

The report (by Mr. SHAW) is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank, having considered the same, report as follows:

The committee agree with the conclusions reached by the Committee on Claims in the Senate, as embodied in a report from said committee in the Forty-seventh Congress, and adopt said report, and recommend that said bill be amended by inserting, in line 15, after the word "evidence," the words "so far as the same may be legally competent and proper under the rules and practice of said court," and as so amended that said bill do pass.

The Committee on Claims, to whom was referred "A bill for the relief of the State National Bank of Louisiana," having examined the same, make the following report:

That the State Bank of Louisiana, a banking corporation chartered by the laws of Louisiana, and located at the city of New Orleans, in 1863, while said city was in the permanent occupation and control of military forces of the United States, through its agents, contracted with various parties residing in Upper Louisiana and Arkansas, who had raised and were the private owners thereof, for the purchase of several hundred bales of cotton. At the dates of these contracts of purchase the venders resided within the lines of the Confederate forces, and commercial relations between the bank and themselves were prohibited, both by the general and statute laws of the Government and by the proclamation of the President of the United States, made under and in pursuance of said laws. The cotton thus purchased or contracted for remained in the possession of the several venders until after the 30th of June, 1865, when hostilities having ceased, it was delivered over to the agent of the bank, and by said agent collected together at different points preparatory to shipment to New Orleans.

After the cotton had thus reached the possession of the bank, and while awaiting shipment to New Orleans, special Treasury agents of the United States, on the 27th and 29th July, 1865, and the 18th November, 1865, seized the same and caused it to be shipped to Simeon Draper, the agent of the Treasury Department at New York, by whom it was sold, and the proceeds paid into the United States Treasury. The State Bank of Louisiana, after the close of the war, having been merged into the State National Bank of Louisiana, the latter, as the successor to all the rights and interests of the former bank, made claim to the proceeds of this cotton, but its claim was rejected by the Treasury Department. The bank thereafter, on the 21st September, 1877, instituted an action in the Court of Claims for the recovery of said proceeds, and was defeated in said court by the plea of the statute of limitation. The object of the present bill is to allow the bank to have its claim referred to the Court of Claims for trial and adjudication, just as though the action had been filed in said court within the time authorized by law. Its claim before the Department was not finally determined until after the bar of the statute had attached.

The rejection of the claim by the Department was based upon the ground that its purchases having been made in 1863 from parties occupying an enemy relation, the bank failed to acquire title to the cotton, and had therefore no valid claim to its proceeds. If the case stood alone upon the contract for the purchase of the cotton in 1863 the correctness of this ruling could not be well questioned. The decisions of the Supreme Court of the United States in *Montgomery vs. United States*, 15 Wallace, 335, and *Mitchell vs. United States*, 21 Wallace, declare that such contracts of purchase would fail to confer a valid title to the property, and your committee at the present session of Congress have reported against a bill granting relief as to the proceeds of property in a case where the party, by his purchase from inhabitants of insurrectionary districts in violation of the non-intercourse laws of the United States, failed to acquire a valid title. So that if nothing appeared in the present case except the bank's purchase of the cotton in 1863 from venders residing within the Confederate lines, it could not be distinguished from the *Mitchell* claim, and would be controlled by the principles applied in that case.

But there are important particulars in which the present differs from the *Mitchell* case. The bank's contract for the purchase of the cotton was not completed in 1863, or during the period of actual war. It had paid and the venders had received the purchase-money, but the cotton remained in the possession of the venders under an agreement for its future delivery. If the venders had subsequently refused to make delivery and complete the contract, and the bank had tried then, either during or after the war, to recover the cotton, it would have been nonsuited in any court of the United States if the illegality of the contract had been pleaded, or if the same had appeared to the court in the course of the trial. The planters did not, however, avail themselves of the illegality of the contract, but, on the contrary, recognizing the moral obligation which rested upon them, after receiving the purchase-money, they voluntarily completed the contract and delivered the cotton over to the possession of the bank after the war had actually closed.

Was this delivery, which appears to have been made subsequent to June 30, 1865, in contravention of law or of the non-intercourse acts and regulations of the Government? If the parties could at that time have lawfully made an original contract with each other for the sale and purchase of the cotton in question, it is difficult to see any valid reason why they could not then, without violation of law or public policy, recognize as binding and complete a contract previously entered into, no intervening rights having attached. Sunday contracts are generally prohibited or forbidden by law; but, when completed on Monday, by delivery, their validity can not be impeached. The controlling question, therefore, in the present case is, could these parties lawfully hold commercial intercourse with each other when the cotton was delivered; or rather, was such delivery, either as an original transaction or as the consummation of a previous agreement, in violation of law?

On the 24th June, 1865, the President of the United States, by proclamation issued under authority of law, expressly ordered that "all restrictions upon internal, domestic, and coastwise intercourse and trade, and upon the purchase and removal of products" lying west of the Mississippi River (excepting those relating to property heretofore purchased by the agents or captured by or surrendered to the forces of the United States) are annulled. Under this express authority given by law, the bank could legally have purchased this cotton. The venders could lawfully have sold or given it to the bank. When the venders, after this proclamation, delivered the cotton to the bank, it was in effect either a new sale based upon the valuable consideration previously received, or a voluntary relinquishment and donation of all their rights and title to the property. But suppose it is treated as the affirmation or confirmation of the contract of purchase made in 1863, what rule of law or principle of public policy forbids the ratification of that contract after June 24, 1865, before the Government had seized or captured the cotton? As a general proposition, void, as distinguished from voidable, contracts can not be confirmed, for the reason that the same legal objections arising from positive law or public policy continue to operate when the confirmation is attempted which existed at the formation of the original contract. But when that is not the case, when the law or public policy that originally vitiates the contract has been changed, when the legal objections to such contracts have ceased to operate, there is no reason why the parties thereto may not lawfully ratify or reaffirm their agreement.

If this position is correct, the act of the venders in ratifying and completing their contracts by delivery of the cotton after the restrictions upon commercial intercourse had been removed, conferred upon the bank a title to the property just as valid as though the contract had been first entered into at the date and place of delivery; so that the case is narrowed down to this, that after all hostilities had terminated and the President had, by his proclamation, removed all restrictions upon trade in the districts formerly declared to be in insurrection, the bank applied to the planters who agreed to sell it their cotton in 1863, and requested them to recognize and complete their agreement and confer upon the bank the possession and ownership of the cotton. This they might have refused to do, but feeling the moral obligation arising out of the receipt of the money the bank had paid them, they freely delivered the cotton to the agent of the bank when it was lawful for them to hold intercourse and before any intervening rights of the Government had attached.

Under those circumstances the transaction may well be termed either a valid confirmation of a former contract, or a new sale as of the date of such delivery, or a gift. When the cotton was so received in 1865 it must be admitted that the

possession which the bank thereby acquired was a legal one. The cotton had never been captured "*flagrante bello*;" it had never been abandoned or seized as such; consequently the United States never acquired the right of seizure coupled with possession before the bank perfected both its title and possession. Whether the agents of the Treasury Department had any authority in law for seizing this cotton in the possession of the bank at the several dates already given is, in the opinion of your committee, a matter of such grave doubt, to say the least of it, as to make this a proper case for the decision of some competent judicial tribunal. What the bank now asks is that it may be permitted to sue in the Court of Claims, and that said court shall hear and adjudicate the case as though it had been instituted within six years after the seizure of the cotton by the officers of the Government.

The proceeds of the cotton are in the United States Treasury, placed there by the alleged wrongful acts of special agents of that Department. The bank prosecuted its claim to these proceeds before the Department, hoping for a favorable decision, until its remedy in the Court of Claims was barred by the statute of limitations. Again, claimants in this class of cases were not supposed by the legal profession to have any remedy in the Court of Claims until the Klein case was decided in December, 1871. Under those circumstances the bank, having been guilty of no "laches," should not be deprived of the opportunity to have its claim passed upon by the Court of Claims. It would certainly be against conscience for the Government in a case like the present to keep this money and deny to the bank the privilege of establishing its superior right thereto. Your committee accordingly recommend the passage by the Senate of the accompanying bill.

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

BRIDGE ACROSS THE MISSISSIPPI NEAR ALMA, WIS.

Mr. LA FOLLETTE. I call up the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in vicinity of the city of Alma, Wis.

The bill was read for information.

Mr. NELSON. Mr. Chairman, is that bill on the Private Calendar?

The CHAIRMAN. The Chair is informed that it is.

Mr. NELSON. I desire to offer an amendment, to come in at the end of the bill.

The CHAIRMAN. The bill is not open to amendment at this stage. Is there objection to the present consideration of this bill?

Mr. MORGAN. Mr. Chairman, I desire to inquire of the Chair whether this is the same bill about which we had a controversy on last Friday.

Mr. NELSON. It is.

Mr. MORGAN. Does the gentleman from Minnesota now say that he will insist upon a quorum for the passage of this bill?

Mr. NELSON. I shall offer as an amendment the same bill that I offered last Friday.

Mr. MORGAN. But do you intend to call a quorum?

Mr. NELSON. I do intend to call a quorum on this bill unless mine is accepted as an amendment.

Mr. LA FOLLETTE. Mr. Chairman, I shall make the point of order against the gentleman's amendment. I know the bill that he proposes to offer.

Mr. MORGAN. I hope my friend from Wisconsin will withdraw the bill if it is to be antagonized.

The CHAIRMAN. This is all out of order. Is there objection to the consideration of this bill?

There was no objection.

Mr. NELSON. I offer the amendment which I send to the Clerk's desk, to come in at the end of the bill. I do not care to occupy time in reading the amendment beyond the first section.

The Clerk read the first section of the proposed amendment, as follows:

Be it enacted, etc., That the city of Duluth, a municipal corporation in the State of Minnesota, or its assigns, or any legally incorporated railroad company or companies which may be associated with it therein, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto over the ship canal and upon the Government piers of the same through Minnesota Point, being the entrance to the Duluth Harbor from Lake Superior, if upon consideration of a board of engineer officers, to be specially selected for the purpose, a bridge can be built without serious injury to the canal as an entrance to the harbor, and then only upon the plans and at the location recommended by the board and approved by the Secretary of War; said bridge shall be constructed to provide for the passage of railway trains, and further provide for the passage of wagons, street-railway cars, and vehicles of all kinds, for the transit of animals and foot-passengers, for such reasonable rates of tolls as may be approved from time to time by the Secretary of War.

Mr. NELSON. Now, Mr. Chairman, I do not care to have the amendment read further, but I wish to make a statement, if the gentleman from Wisconsin [Mr. LA FOLLETTE] is willing.

Mr. LA FOLLETTE. I make a point of order against the amendment.

Mr. NELSON. I am entitled to have the whole amendment read, but I will waive that right if I can be allowed to make a brief statement.

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin [Mr. LA FOLLETTE] makes the point of order.

Mr. LA FOLLETTE. Yes; on the ground that the amendment is not germane to the bill under consideration.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Minnesota [Mr. NELSON] asks unanimous consent that he may be permitted to make a statement.

There was no objection.

Mr. NELSON. The only statement I desire to make is that the remainder of the bill which I have sent up as an amendment is like other bridge bills. The first section, the section that has been read, is to authorize the city of Duluth to construct a bridge across the canal entrance to its harbor, provided that a board of engineers, to be appointed by the Secretary of War, shall decide that such a bridge can be built without obstructing navigation. This amendment does not propose to allow the bridge to be constructed until the board of engineers report that it can be done without injury to navigation. If the engineers say it can not be done, the bridge is not to be built. I am compelled to take this course because I have tried several times during this session to pass this bill, but objection has always been made by the gentleman from Wisconsin, not the gentleman who has now called up the bill, but the gentleman [Mr. HAUGEN] within whose district this proposed bridge across the Mississippi is to be built. The bill which I have called up as an amendment has been called up by the Committee on Commerce and has been objected to, and the point of "no quorum" has been made against it, and again I have called it up myself and objection has been made. The bill called up by the gentleman from Wisconsin [Mr. LA FOLLETTE] is to authorize the construction of a bridge from his State across the Mississippi into my State, while my amendment is a bill for the construction of a bridge wholly within my State. The attitude which the gentleman [Mr. HAUGEN] assumed in reference to my bill compels me to take this course, which I have never taken with regard to any other bill, and which I adopt now simply as a matter of self-protection.

I am unwilling to take up further time in this matter, and am very sorry that this controversy has arisen. Whatever may be the merits of the controversy, there is nothing between the gentleman from Wisconsin [Mr. LA FOLLETTE] who now calls up this bill and myself.

Mr. LAGAN. I wish to ask the gentleman from Minnesota [Mr. NELSON] by whom this board of engineers is to be appointed?

Mr. NELSON. By the Secretary of War.

Mr. LAGAN. Are they to be United States engineers?

Mr. NELSON. They are to be United States engineers, appointed by the Secretary of War; and that board is to determine whether a bridge can be built. If the board should decide unfavorably it will not be built.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LA FOLLETTE] will state his point of order.

Mr. LA FOLLETTE. My point is that the amendment offered by the gentleman from Minnesota [Mr. NELSON] is not germane to the bill under consideration.

The CHAIRMAN. The point of order is well taken. The amendment is not in order. The question is on laying this bill aside to be reported favorably to the House. Before putting that question the Chair will state that some amendments were heretofore adopted to this bill, and it has been read as amended. The question is now on laying the bill aside to be reported favorably to the House. [The question was put.] The ayes seem to have it.

Mr. NELSON. I call for a division.

The question being again taken, there were—ayes 22, noes 1.

Mr. NELSON. No quorum.

Mr. LANHAM. I hope the gentleman from Wisconsin will withdraw the bill.

Mr. LA FOLLETTE. Mr. Chairman, if I may be permitted to call up another bill, I will withdraw this, as I do not wish to obstruct the business of the Committee of the Whole.

Mr. NELSON. I trust the gentleman may be allowed that privilege.

The CHAIRMAN. Without objection, the gentleman will be allowed to call up another bill, this being withdrawn. The Chair hears no objection.

WILLIAM TABB.

Mr. LA FOLLETTE. I ask for the consideration of the bill (S. 741) for the relief of William Tabb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and is hereby, directed to pay to William Tabb, of Spottsylvania County, near Fredericksburgh, Va., out of any money in the Treasury not otherwise appropriated, the sum of \$2,149.75, being in full for supplies taken from him during the years 1863 and 1864, by and for the use of the United States troops.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. LA FOLLETTE. I do not desire to make any remarks on this subject.

The CHAIRMAN. The question is on laying the bill aside to be favorably reported to the House.

Mr. CLEMENTS. I think the report had better be read.

Mr. LA FOLLETTE. It is very short.

The report of the Committee on War Claims (by Mr. THOMAS, of Wisconsin) was read, as follows:

The facts out of which this bill for relief arises will be found stated in Senate report from the Committee on Claims of the present Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[Senate Report No. 59, Fiftieth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 741) for the relief of William Tabb, have considered the same and respectfully report:

We adopt the report made by Mr. HOAR from this committee in the first session of the Forty-eighth Congress and recommend the passage of the bill.

"This is a claim for property alleged to have been taken from the claimant in part in May, 1863, by forces under the command of General Joseph Hooker, and in part in May, 1864, by forces under command of Maj. Gen. U. S. Grant. It appears from the evidence on file that the claimant was born in England; that he came to this country in 1848 and has since resided in Spottsylvania County, Virginia; that in 1856 he declared in one of the courts in said State his intention to become a citizen of the United States and to renounce all allegiance to foreign powers, in the manner prescribed by law; that in 1870 he took his final oath and received his naturalization papers.

"On the 16th day of September, 1872, he presented his claim to the Southern Claims Commission. The reports of that commission show that the claim was never prosecuted before them. The claimant alleges that he did not prosecute his claim before the commission because informed by his counsel, after having presented his claim, that the commission had said that they would not take jurisdiction of the cause, owing to the fact that the claimant was not, at the time of the taking of the property, a citizen of the United States. The claimant further alleges that his counsel informed him that the commission advised a petition to Congress.

"Upon this state of facts the claimant made a petition to Congress in 1874, that being two years after he had filed his petition before the Southern Claims Commission.

"There seems to be no doubt as to the claimant's loyalty, it being established by the testimony of several witnesses, including his neighbors and Union soldiers. Your committee are of the opinion that, so far as the character of the claimant is concerned, there is nothing which should deprive him of relief from Congress. The Southern Claims Commission held that they had no jurisdiction because the claimant was not a full citizen in every sense of the word; but he surely was so far a citizen as to entitle him to protection of his rights and property from this Government. The oath declaring his intention to become a citizen of the United States was an act of expatriation, after which he could not claim redress through the British Government.

"The claim is for quartermaster and commissary supplies taken to the value of \$2,148.75. No vouchers were given by the officers taking the property, which is explained by the fact that Mr. Tabb and his family were sick at the time with diphtheria. There is evidence showing that on one of the occasions two of Mr. Tabb's children were lying dead in the house from that disease. But there is other satisfactory proof that property belonging to the claimant of the amount and value alleged was taken for the use of the Army.

"A favorable report in the case was made in the second session of the Forty-fourth Congress, recommending that the Southern Claims Commission be given jurisdiction of the claim. Since that commission ceased to exist, it has been the usual way in such cases to recommend the passage of a bill authorizing the Quartermaster-General to examine the claim and report to Congress the facts. This claim, however, is for a small sum, and the proof as to the amount and value of the property taken is very satisfactory.

"Your committee therefore recommend that the bill pass."

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

HEIRS OF MARTIN KENOFKY.

Mr. LAGAN. I ask for the consideration of the bill (S. 1671) for the relief of the heirs of Martin Kenofsky.

The bill was read, as follows:

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

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. LAGAN. I move that the bill be laid aside to be favorably reported to the House.

Mr. OATES. I would like to hear the report read.

The report of the Committee on War Claims (by Mr. STONE, of Kentucky) was read, as follows:

The committee find the facts to be as stated in Senate Report No. 483, first session Fiftieth Congress, which report is hereto annexed and made a part of this report, and is as follows:

[Senate Report No. 483, Fiftieth Congress, first session.]

Your committee, to whom was referred Senate bill 1219, for the relief of the heirs of Martin Kenofsky, find that Martin Kenofsky, a Prussian subject, was a resident of Grenada, in the State of Mississippi, in 1864; that he was a man of Union sentiments; that he converted his possessions into gold, amounting to \$4,992.50; then started for Memphis, at that time occupied by the Union forces, was seized within the lines, his gold taken from him, and he cast into prison, from which he was discharged without trial, and without any restoration of his property. The gold was converted into currency, realizing \$8,861. By authority of military officers in command, this money was used for military purposes, contrary to law and the regulations of the Treasury Department. It should have been covered into the Treasury.

The claimant was industrious in pursuing his remedy, commencing at once, in 1865, by application to the Secretary of War, and continuing without cessation until his death in 1880. Then his widow petitioned Congress for relief, but died, pending its hearing, in 1881, leaving seven children in destitute circumstances. The authorities of the Widows and Orphans' Home of New Orleans and friends of the family then petitioned Congress for relief. No laches can be charged against the claimants.

"The United States have had the benefit of this money; it was not justly exposed to confiscation; it should have been in the Treasury to-day, subject to the disposal of Congress, and in the opinion of your committee justice requires that, notwithstanding it was never covered into the Treasury, having been committed to the use of the Army contrary to law, this money should be paid to the legal heirs of Martin Kenofsky, and they accordingly report back the bill referred, with an amendment striking out the words "eight thousand eight hundred and sixty-one dollars," in the sixth and seventh lines, and inserting instead thereof the words "four thousand nine hundred and ninety-two dollars and fifty cents," with the recommendation that as amended it ought to pass.

Mr. DINGLEY. Is the amount covered by this bill simply the par value of the gold coin referred to?

Mr. STONE, of Kentucky. It is simply the par value.

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

JESSE DURNELL.

Mr. LANHAM. On behalf of my friend from Illinois [Mr. LANE], who is now absent from the city, I desire to call up for consideration the bill (H. R. 9211) for the relief of Jesse Durnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Jesse Durnell, of Effingham, Ill., out of any money in the Treasury not otherwise appropriated, the sum of \$1,312.50, being the amount due him for seventeen and one-half months' difference in pay between that of first-class and second-class pilot in the Mississippi Squadron.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. LANHAM. This bill provides simply for paying this claimant the difference between the salary of a first-class and a second-class pilot. The case has been examined by the Committee on Claims, and the allowance of the claim is unanimously recommended.

The amendment reported by the committee was read, as follows:

In line 6 strike out "three" and insert "two," and in line 7 strike out "twelve" and insert "thirty-seven;" so as to make the amount appropriated in the bill \$1,237.50.

The amendment was agreed to.

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

C. C. ROBERTS.

Mr. LAWLER. I desire to call up the bill (H. R. 3557) for the relief of C. C. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to cause to be paid to C. C. Roberts the pay and emoluments of a first lieutenant of volunteers from the 4th day of April, 1863, to the 1st day of November, 1863, for services rendered as first lieutenant in what was then designated as the Fourth Regiment of Ullman's brigade Colored United States Volunteers, with interest at 4 per cent. on the amount due from November 1, 1863, to the day when this act shall be in force and become approved.

SEC. 2. That the amount of money necessary to pay for the services of the above-named claimant be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. MORRILL. I would like to hear the report read.

The report of the Committee on War Claims (by Mr. LAWLER) was read, as follows:

The bill authorizes the Secretary of War to pay C. C. Roberts the pay and emoluments of a first lieutenant of infantry from April 4, 1863, to November 1, 1863.

Proof filed in support of the bill shows that C. C. Roberts was one of a number of officers and privates of Maine regiments who were designated by Governor Coburn, by authority of the Secretary of War, to be detached from their various regiments for promotion in the colored brigade. The order of the War Department detaching these officers and men was dated March 25, 1863. The claimant served as first lieutenant from April 4, 1863, to November 1, 1863, and was not paid for said service by reason of a failure to be mustered into service. The other officers of the colored brigade were subsequently mustered into the service and paid, the claimant failing to be mustered by reason of sickness.

Your committee are of opinion that the claimant having performed the duties of a first lieutenant he should be paid, and report back the bill and recommend its passage, with the following amendments:

In line 5, after the word "volunteers," insert the word "infantry."

In lines 10, 11, and 12 strike out "with interest at 4 per cent. on the amount due from November 1, 1863, to the day when this act shall be in force and become approved."

The CHAIRMAN. The question is on the amendments reported by the committee, and just read as the concluding paragraphs of their report.

Mr. SOWDEN. I wish to ask the gentleman from Illinois [Mr. LAWLER] whether the amendments strike out the provision in the bill for the payment of interest.

Mr. LAWLER. That provision is struck out by one of the amendments.

The amendments were agreed to.

The CHAIRMAN. The question is on laying the bill aside to be favorably reported to the House.

Mr. DUNN. On that question I call for a division.

The committee divided; and there were—ayes 32, noes 1.

Mr. DUNN. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. LAWLER and Mr. DUNN.

Mr. LANHAM. I ask, by unanimous consent, this bill be temporarily laid aside not to lose its place, and with the privilege on the part of the gentleman from Illinois [Mr. LAWLER] to call it up hereafter.

Mr. DUNN. Or with a privilege of calling it up to-day, if he deems proper to do so.

There was no objection, and it was ordered accordingly.

PIPESTONE INDIAN RESERVATION, MINNESOTA.

Mr. NELSON. Unanimous consent was granted to my colleague [Mr. LIND] before he left the city, when his name was called to have me call up a bill for him, and in pursuance of that privilege I now call up for consideration the bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation, in Minnesota.

The CHAIRMAN. The bill will be read, after which objection will be asked.

The Clerk proceeded to read the bill.

Mr. McMILLIN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McMILLIN. This is a public bill, and does not come within the rule under which we are acting. I make the point of order in justice to gentlemen who have small private bills which they desire to call up. This is a long bill, and is accompanied with a long report. It is not fair to take up the time in reading the bill and report, which ought to be devoted to the consideration of private bills. It is unjust to gentlemen having those measures to call up. While I do not like to do any discourtesy to an absent member, I am compelled to insist upon my point of order.

Mr. NELSON. I admit the point of order made by the gentleman is well taken, and will therefore withdraw the bill. My colleague [Mr. LIND], in case the point of order should be made and the bill ruled out, gave me a private bill to call up, and I now ask for its consideration. The reservation to which reference is made in the other bill is only 1 mile square. But I withdraw that bill.

JAMES DEVINE.

The CHAIRMAN. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Devine, of the county of Brown, in the State of Minnesota, out of any money in the Treasury not otherwise appropriated, the sum of \$700, for damages done to his land by the United States troops in cutting timber on the same for the building of Fort Hanska, and for fuel and other purposes, while in possession of said troops during the outbreak of the Sioux Indians in Minnesota.

Mr. NELSON. With the permission of the committee I will make a brief statement in reference to this matter. It is a bill which was introduced by my colleague [Mr. LIND] and referred to the Committee on Claims, which has reported it back favorably.

In 1862-'63 an Indian war broke out in the State of Minnesota. During that outbreak the State sent out troops to follow up the Indians. Those troops were mustered into the service of the United States. While in that service they took possession of this man's farm, cut down his timber, and used it in the construction of huts and for fuel. This bill merely provides for the payment of \$700 to this man for the loss which he incurred.

Mr. KILGORE. These troops were there for this man's protection.

Mr. NELSON. No more for his protection than for the protection of other citizens in that neighborhood against Indian attacks. In this farm of 157 acres there were 40 acres covered with valuable timber. That timber was cut down and used by these United States troops in the construction of huts and as fuel. For this loss this man has never been compensated, and the object of the bill is to recompense him in that regard.

Mr. KILGORE. How much does he claim?

Mr. NELSON. He claims \$700. It has been favorably reported.

Mr. KILGORE. Read the report.

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

The Committee on War Claims, to whom was referred the bill (H. R. 3765) for the relief of James Devine, have considered the same and respectfully report: A bill (H. R. 1150) for the relief of this claimant was introduced in the Forty-second Congress, second session, and referred to the Committee on Claims. That committee reported the bill favorably, and upon a full examination of the evidence on file in support of the claim this committee finds that the report of that committee (No. 1587) is in accordance with the facts, and the same is hereby adopted and attached hereto.

Your committee accordingly report back the bill and recommend its passage.

[House Report No. 1587, Forty-sixth Congress, second session.]

The Committee on Claims, to whom was referred the bill (H. R. 1150) for the relief of James Devine, have considered the same, and respectfully report:

That James Devine was the owner of certain lands in the State of Minnesota, namely, the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ and lot No. 6 of section No. 28, and lot No. 8 of section No. 33, and the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section No. 34, in township 108, range 31, containing 157 acres, 60 acres of which was timbered. During the Indian outbreak, known as the Sioux massacre of 1862, Company I, Minnesota Mounted Rangers, was stationed on said land for the protection of the settlers and built a stockade or fort thereon, 100 feet long, 75 feet wide, and about 10 feet high. They also built on said land four buildings of various sizes. All the logs, roofing, and shingles for said buildings were taken from the land of Devine. The troops occupied the fort, and used timber for fuel for a period of two and one-half years, and when the troops were removed they took some of said houses with them to other locations.

James Devine testifies that he was at the time the troops occupied the land, and is now, the owner thereof, having a patent for the same from the United States; that there is 157.72 acres of land, 60 of which was timbered; that less than one-fourth of said timber was left standing, the balance, 40 acres, being cut by the troops. The value of timber land at that time was from \$20 to \$50 per acre, and his loss by said damage was not less than \$700, and at the time said timber was taken he was a resident of Milwaukee, Wis., and did not return to his land in Minnesota until 1866; that he has never received any pay or compensation for said loss.

Guttora Thorsdson and Tergrim Tergrimson testify that they own and live on lands adjoining the lands of James Devine; that there was no timber cut on said land before the troops entered thereon to build the fort. The timber land at that time in the vicinity of Devine's land was worth from \$20 to \$50 per acre; that the troops were there for two and one-half years, and the damage to Devine by loss of timber was not less than \$700.

Iver Iverson testifies that he knows the property of James Devine, and to his positive knowledge there was no timber cut off said land previous to the occupancy by the troops, and that the loss to Devine was not less than \$700.

John Hauenstein, a second lieutenant of Company I, Minnesota Mounted Rangers, testifies that he commanded said company at Fort Hauska, in township 108, range 31; that the fort and buildings were being erected during the time he had command; that the logs, roofing, shingles, etc., were taken from the land of James Devine; that Fort Hauska was built on Devine's land, and to the best of his knowledge there was about 60 acres of timbered land, and the actual loss at the time to James Devine's property by the destruction of the timber was not less than \$700.

Mr. Devine being a resident of the State of Wisconsin from 1857 until 1866, when he returned to Minnesota, he learned for the first time that the State had adjudicated such claims, for which the United States reimbursed the State.

A bill for the payment of damages was presented to the State Legislature, which received a favorable report, was passed to a third reading and defeated because the time expired that had been set for the State to pass on such losses. Mr. Devine's absence from the State kept him in ignorance of the method of prosecuting his claim until some years after the property had been taken. When he was aware of the manner in which such property was paid for, he presented his claim to the Legislature of the State of Minnesota. Payment was refused, it being a claim against the United States.

Your committee believe the property was taken by the troops for their use, and that the amount asked for the same is just and reasonable, and recommend the passage of the bill.

Mr. SOWDEN. What evidence is there that these troops were mustered into the United States service? The report says they were State troops.

Mr. NELSON. My colleague [Mr. RICE] was a citizen of the State at that time, and knows the fact, which he will state, that they were mustered into the United States service.

Mr. RICE. It is the fact that these troops at the time were mustered into the service of the United States.

Mr. SOWDEN. The gentleman from Minnesota has answered my question that these State troops had been mustered into the service of the United States, and that is satisfactory.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

E. J. ALDRICH.

Mr. LYMAN. I call up for present consideration the bill (H. R. 3155) for the relief of E. J. Aldrich.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and the same hereby is, conferred upon the Court of Claims to try and determine, upon its merits, the claim of E. J. Aldrich, of Pottawattamie County, State of Iowa, against the United States for cotton seized and appropriated in the States of Arkansas and Louisiana, any statutes of limitation to the contrary notwithstanding: *Provided*, Suit be commenced in said court within six months next after the passage of this act.

Mr. ROGERS. My attention was temporarily distracted while this bill was being read; will the gentleman state the purport of it?

Mr. LYMAN. It refers a claim for cotton to the Court of Claims. The claimant commenced a suit in the Court of Claims, but he was too late, not having commenced it before the statute of limitations applied. He is an old gentleman, apparently not familiar with the law; and for this or some other reason the claim was not presented in time. This simply removes the bar of the statute.

Mr. ROGERS. What committee does it come from?

Mr. LYMAN. From the Committee on War Claims.

Mr. ROGERS. Is this for a portion of the proceeds of the captured and abandoned property fund now in the Treasury?

Mr. LYMAN. I can not answer the question.

Mr. ROGERS. I would like to hear the report.

Mr. CULBERSON. Let the report be read.

The report (by Mr. THOMAS, of Wisconsin) was read, as follows:

The beneficiary, E. J. Aldrich, claims to be the owner of a claim once owned by one H. A. Millen, for cotton seized and appropriated by the United States Government. In 1871, prosecution therefor was commenced in the Court of Claims. In December, 1876, a motion was filed to dismiss the case on the ground that the cause of action was barred by the statute of limitation; which motion was afterwards sustained. The claimant is an old man and greatly in need financially of the relief demanded if he is entitled thereto. His loyalty is unquestioned and unquestionable, and his claim appears to have merit in it. The bar of the statute of limitation prevents him from establishing the same. All he asks in the bill is that this bar may be removed, and he permitted to establish his claim, if he can, in the Court of Claims.

The committee recommend the passage of the bill.

Mr. CULBERSON. I ask the attention of the gentleman from Iowa for a moment, to inquire on what this claim is based, on what statement of facts it is presented? The report does not show.

Mr. LYMAN. I can not answer as to the facts, because I do not know.

Mr. CULBERSON. As I understand the report, it states that the beneficiary is the assignee of a claim in favor of one Millen against the Government, but it does not state what the claim is for.

Mr. SENEY. What is the claim based upon?

Mr. CATCHINGS. It says in the report for cotton.

Mr. CULBERSON. I would like to have the first clause of the bill again reported.

The bill was again read.

The CHAIRMAN. The first question is, Will the committee consider the bill.

Mr. CULBERSON. Permit me first to ask if this bill provides that there shall be an absolute judgment against the Government, or simply that the court shall report the findings?

Mr. LYMAN. That there shall be a judgment for whatever the court finds due. I assume that the court will take care of all incidental questions that may arise in connection with the investigation.

of the claim; and the point is that this removes the bar of the statute of limitations to allow the consideration of the claim.

Mr. CULBERSON. I do not think this bill ought to pass.

Mr. SENEY. What is the amount of the claim?

Mr. LYMAN. I do not know.

Mr. ROGERS. I would like to know something further about this case. The gentleman from Iowa does not seem to be familiar with the facts. What State does it come from, where does the claimant reside, and who has charge of it?

Mr. LYMAN. The claimant lives in the county in which I reside, and I introduced the bill for his relief at his request. I know the claimant, but do not know the facts in the case.

Mr. ROGERS. I would like to make an observation or two.

The CHAIRMAN. The Chair will first submit the question whether the committee will consider the bill.

Mr. ROGERS. I am asking unanimous consent to be heard for a moment.

The CHAIRMAN. Without objection the gentleman will proceed.

Mr. ROGERS. Mr. Chairman, as strong a case, perhaps, as could possibly be submitted to the House was presented by the report from the Judiciary Committee accompanying the claim of Mr. Noble, who has since died. That claim after a full and exhaustive discussion in a full committee of the House was defeated on the call for a quorum. The general sentiment of the House at that time was, and I think the justice of all this question is, that all of the claimants for any portion of this property should be allowed to go into the Court of Claims and let their claims for this money or any portion of it, which the Supreme Court of the United States have held belongs to these people and not to the Government, be adjudicated and settled forever. Now, I am willing, so far as I am concerned, and so far as this case is involved, to concede that this man has a claim. I do not know anything of the case and will not deny that he has a claim; but I do not think we ought to consent to suffer one individual to go in and have consideration and the other side to be kept out if there is merit. It is not fair play. It is not the proper way to deal with such a question. If any of them are entitled to any portion of this property, then all persons under like circumstances are entitled to some proportion of it, and should be entitled to have their share of it. I think in all such cases we ought to pursue that policy, and not be diverted from it in the consideration of an individual case.

Mr. OATES. That is the principle on which Noble's claim was defeated.

Mr. ROGERS. That is what I have just stated. Out of personal friendship and committee associations I reluctantly yielded to my friend from Alabama, who was interested in that case, and made no minority report; but my judgment is that the proper way to deal with the question is to pass a bill for the purpose of letting these people all go into the Court of Claims, and there let the matter be adjudicated between them and a distribution made of the funds.

And there is a matter about this bill which does not obtain in reference to others, and that is that there is a statute of the United States, founded in a wise public policy, which is directly in the teeth of this bill. That statute prohibits anybody from bringing a claim against the Government where he obtains it as assignee. In other words, only original claimants shall be permitted to make claims against the Government.

I trust my friend from Iowa, who is a good lawyer, will understand the motives which prompt my action in this matter. I never object in such cases unless there is a principle involved which I think sufficiently important to invite attention to the case itself, and I regard this as a question of that character.

Mr. CULBERSON. In addition to what my friend from Arkansas has said, there is a general bill now on the Calendar providing for the very object the gentleman has in view; that is, the removal of the bar of the statute of limitation—two reports, one from the Committee on War Claims and one from the Judiciary Committee.

Mr. LYMAN. I will support the general bill when it is presented.

Mr. CULBERSON. We have never had an opportunity to bring it up.

The CHAIRMAN. The question is, Shall the bill be considered?

The question was put; and the Chairman announced that more than a sufficient number had objected, and consideration was refused.

MELCHISEDEC ROBINSON.

Mr. MARTIN. I ask consideration of the bill (H. R. 10099) for the relief of Melchisedec Robinson.

The bill was read, as follows:

Be it enacted, etc., That the claim of Melchisedec Robinson, of Benton County, Mississippi, for quartermaster stores and commissary supplies taken by or furnished the United States Army during the war for the suppression of the rebellion, be, and the same is hereby, referred to the Court of Claims, with all the vouchers, papers, proofs, and documents pertaining thereto, and the same shall there be proceeded in, under the rules and practice of said court, upon the said proofs, vouchers, and documents and such other testimony as may be introduced by either party, and when the facts shall have been found both as to the loyalty of the said Melchisedec Robinson when this claim originated and thereafter to the close of the war, and the merits of his said claim, the court shall thereupon report to Congress the facts as established by the evidence, with its opinion as to the compensation or relief, if any, which should be allowed the said claimant.

The CHAIRMAN. Is there objection to the consideration of the bill? The Chair hears none.

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

JAMES IREDELL MEARES.

Mr. McCLAMMY. I ask consideration of the bill (H. R. 5480) for the relief of James Iredell Meares.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to James Iredell Meares, deputy collector of customs at Wilmington, N. C., the sum of \$612, this being the amount of money stolen from the safe of the collector at Wilmington, N. C., and paid by the said James Iredell Meares. Sec. 2. That this act shall take effect from and after its passage.

Mr. OATES. I did not hear the amount of money involved.

The Clerk read as follows:

Six hundred and twelve dollars.

Mr. OATES. I would like to hear the report read.

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

The Committee on Claims, to whom was referred House bill 5480, having considered the same, submit the following report:

The claimant in this bill, James Iredell Meares, was in 1885, and is now, special deputy of customs at Wilmington, N. C. On Saturday night, the 21st of November, 1885, or Sunday night, the 22d of November, same year, the building in which the collector of customs for that collection district had his office was entered by burglars and the combination safe, in which the moneys and records of said office were kept, was broken open (the said Meares being the cashier of said office, and having the custody of said moneys and records), and the sum of \$612 of the money belonging to said office was taken therefrom.

Mr. Meares is shown to be an honest man, a most excellent and faithful officer, and the affidavits make it clear that the burglary was not the result of any negligence or fault of his.

He not only immediately made the money thus taken good to the Government, but without waiting the action of the Department, employed R. J. Southall, chief of the detective system of the Atlantic coast line system of railroads, to ferret out and bring to punishment the criminals, who for three months worked at great expense to Mr. Meares trying to find a clue to the mystery, but without results.

Every fact necessary to bring this claim within the line of precedents is clearly made out by the affidavits of a number of creditable witnesses, and your committee, without any hesitation, recommend that the claimant be indemnified, as provided in the bill.

The CHAIRMAN. Is there objection? The Chair hears none.

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

MONUMENT AT FREDERICK, MD.

Mr. McCOMAS. I ask consideration of the joint resolution (H. Res. 73) providing for the erection of a monument at Frederick, Md., over the grave of Francis Scott Key, the author of "The Star-Spangled Banner."

The resolution was read, as follows:

Resolved, etc., That the sum of \$10,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a monument over the grave of Francis Scott Key, the author of "The Star-Spangled Banner," at Frederick, Md., which said sum shall be expended under the direction of the Secretary of War, who shall have the management and control of the selection of and the erection of said monument.

The CHAIRMAN. The Chair is informed that the resolution is on the Union Calendar and not on the Private Calendar. It would therefore not be in order.

Mr. McCOMAS. Then I ask unanimous consent for its consideration, as it is for a small amount of money and for a monument over a grave which is not in a public place.

Mr. ROGERS. This is a special order under which we are proceeding, and I do not think, where unanimous consent is given to consider a special order, that the committee at a subsequent hour of the day should change that order.

The CHAIRMAN. The point is well taken; and, objection being made, the joint resolution is not in order.

Mr. McCOMAS. Then I withdraw it, and I ask consideration of the bill which I send to the Clerk's desk instead.

There was no objection.

I. L. CAIN.

The Clerk read the title of the bill, as follows:

A bill (S. 97) for the relief of I. L. Cain, and others.

The bill was read for information.

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

Mr. OATES. The price fixed on the cotton mentioned in the bill is entirely too high.

Mr. McCOMAS. I offered this bill at the request of the gentleman from Tennessee [Mr. BUTLER].

The CHAIRMAN. The question is, Shall the bill be considered? The Clerk read amendments that are not before the committee. The wrong bill was sent up by the gentleman from Maryland [Mr. McCOMAS], and the bill which he desires to call up is a Senate bill which has not been read to the committee. The bill as it comes from the Senate has no amendments. The question is, Shall the bill be considered? Is there objection? [After a count.] More than a sufficient number of gentlemen have arisen to object to the consideration of the bill.

Mr. BUTLER. If the report be read I believe there will be no objection to the bill.

Mr. KILGORE. Regular order.

The CHAIRMAN. The Clerk will read the report if the gentleman from Tennessee so desires.

Mr. KILGORE. Mr. Chairman, the question has been submitted as to whether or not the bill shall be taken up, and the requisite number having signified their objection, I do not think we ought to consume any more time with this bill.

The CHAIRMAN. The Chair is probably at fault in the matter. The gentleman from Tennessee asked to have the report read, and I think in justice to him that it should be done.

Mr. LANHAM. I hope the gentleman from Tennessee will not insist on the reading of the report. A sufficient number have signified their objection to prevent the bill being considered, and it will but retard the consideration of other bills to have the report read.

Mr. BUTLER. If the gentleman from Texas will remember, I called up that Senate bill, and on his suggestion I withdrew it with the understanding that I might at any other time bring it up in the House. I refrained from doing so, and the gentleman from Maryland not having anything to call up he called it up for me. We have passed a similar bill for \$98,000 in favor of Mr. Dickinson. These are small claims. It has been reported on favorably by the Senate and by the House Committee on War Claims.

Mr. LANHAM. What I said was in the interest of economy of time, because a sufficient number of gentlemen have indicated their intention to object to the consideration of this bill.

Mr. BUTLER. If the report was read I do not think any gentleman would object.

The CHAIRMAN. The Chair does not feel that a vote has been taken upon the question, as the Chair was in error.

Mr. BUTLER. I do not want to do anything that looks like being mean or contrary, as that does not belong to my disposition.

Mr. SENEY. Regular order.

Mr. BUTLER. All right. They are all good Democrats who are the beneficiaries in that bill.

The question was put as to whether the bill should be considered, and the Chairman announced that eight gentlemen had objected, more than a sufficient number, and under the rule the bill could not be considered.

WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

Mr. McKENNA. I call up the bill (H. R. 661) for the relief of William R. Wheaton and Charles H. Chamberlain, of California.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to William R. Wheaton, ex-register, and to Charles H. Chamberlain, ex-receiver of the land office at San Francisco, Cal., jointly, out of any money in the Treasury not otherwise appropriated, the sum of \$3,800, being a portion of the amount deposited in the Treasury of the United States by them as fees for testimony which was taken by clerks whose compensation was paid from the private funds of said ex-register and said ex-receiver.

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

Mr. KILGORE. I ask to have the report read.

Mr. McKENNA. If the gentleman from Texas will give me his attention for a minute, I will state that the report is quite long, because it sets forth not merely the facts but the evidence, and I think I can explain the case very briefly.

Mr. KILGORE. I want to say to the gentleman from California that the fact that the report is very long is a suspicious circumstance. [Laughter.]

Mr. McKENNA. Oh, no. It only shows the industry of the member who wrote it, the gentleman from Maryland [Mr. SHAW]. But the facts of the case are these: Mr. Chamberlain and Mr. Wheaton were respectively register and receiver of the land office in San Francisco. Under a practice that obtained in the office the fees collected for taking testimony were allowed to be retained by the register and the receiver. The Department, however, ruled that the officers could not be allowed, as a matter of law, to retain the fees, and required them to deposit the amount of those fees in the subtreasury in the city of San Francisco, which they did. The amount deposited was about \$5,000, somewhat more than the sum mentioned in the bill. Afterwards a salary of \$100 a month was allowed to the register and the receiver for doing the very work for which they had charged fees, and this bill is to give them the money which they paid out for clerk-hire. That is all.

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

Only two members objected.

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

MILES F. WEST.

Mr. McMILLIN. I desire to call up House bill 1156, for the relief of Miles F. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay \$474 to Miles F. West, of Macon County, Tennessee, out of

any money in the Treasury not otherwise appropriated, in full payment for quartermaster and commissary stores taken from him for the use of the Union Army during the late war.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. KILGORE. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1156) for the relief of Miles F. West, report as follows:

This is a claim for stores and supplies taken from the claimant's farm in Macon County, Tennessee, during the late war by the Army of the United States. Claim stated at \$474.

The claim was filed in the office of the Quartermaster-General October 21, 1879. It was finally considered September 4, 1884, and not allowed for the reason that the Quartermaster-General was not convinced of the loyalty of the claimant.

Your committee are satisfied that the claimant never gave aid or comfort to the rebellion, but was throughout that war loyal to the Government of the United States; that the accounts are correct and just, and that the stores and supplies were taken as charged.

Your committee therefore report back the bill and recommend its passage.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. McMILLIN. I move to amend the bill in one particular. Either in draughting or in printing it the figures 7 and 4 have been transposed. The bill reads \$474, but it should read \$447. The change reduces the amount of the claim, but that is the just amount.

Mr. KILGORE. All I desire was to be satisfied of the loyalty of this man. [Laughter.] If the gentleman from Tennessee can give me any information upon that point I shall be obliged to him.

Mr. McMILLIN. The proof shows that he was loyal during the war.

Mr. KILGORE. To which side? [Laughter.]

The amendment was agreed to.

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

NICARAGUA MARITIME CANAL COMPANY.

Mr. DUNN. Mr. Chairman, since the bill known as the Nicaragua Canal bill was objected to by six or seven gentlemen awhile ago, the gentleman from Texas [Mr. CULBERSON] has prepared an amendment which satisfies the objections of those gentlemen, so ask I unanimous consent that the bill be now taken up, with the understanding that this amendment shall be added to it.

Mr. CULBERSON. I wish the gentleman to understand that I speak only for myself in regard to that amendment.

Mr. DUNN. I understand; but the other gentlemen have told me that they take the same view. I ask the Clerk to report the bill.

Mr. FULLER. I shall object to that bill being taken up on this day.

Mr. MORGAN. I wish to ask the gentleman from Arkansas [Mr. DUNN] whether it will provoke any discussion.

Mr. DUNN. I am willing to make this agreement, that if gentlemen will let the bill be taken up, considered by the committee, and reported to the House to-day, it shall then go over for full discussion and amendment in the House to any day next week which may be designated.

Mr. McMILLIN. I hope that will be assented to.

The CHAIRMAN. Does the gentleman from Iowa [Mr. FULLER] withdraw his objection?

Mr. DUNN. Will the gentleman allow us to recur to the bill now?

Mr. FULLER. I do not think that bill should be considered on Friday, private bill day.

Mr. DUNN. I will agree that the bill, after it is reported to the House, shall be considered there on any day next week that may be designated.

Mr. FULLER. That is a bill which should be carefully considered section by section, and I must object to its being taken up to-day.

Mr. DUNN. I rise to a parliamentary inquiry. Can we not go back to the bill now unless there are five objectors?

The CHAIRMAN. The Chair thinks not, the bill having been called and objected to.

Mr. KILGORE. Mr. Chairman, the situation of the bill is this, as I understand it: I had a right to call up a bill when my name was reached, and I called up this bill, but gentlemen objected, and the bill had to be withdrawn. Now, have I not a right to call up another bill in place of that?

The CHAIRMAN. The gentleman would have had that right before his name was passed, but the Chair does not think he has that right now.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. McRAE. I call up the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

Mr. LANHAM. I ask that the reading of the bill be dispensed with at this time, as it has heretofore been read.

The CHAIRMAN. If there be no objection, the reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The question is, Shall this bill be considered?

Mr. MORGAN. What is the proposition of the gentleman from Arkansas with reference to discussion?

The CHAIRMAN. There is no proposition at all.

The question being put upon considering the bill, only one member objected.

So the Committee of the Whole proceeded to the consideration of the bill.

Mr. DUNN. I yield to the gentleman from Texas [Mr. CULBERSON] to offer an amendment.

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

The Clerk read as follows:

At the end of section 5 add the following:

"And nothing in this act shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect to the payment of tolls, as provided for in this act."

Mr. DUNN. I hope this amendment, which is a cautionary matter, will be agreed to.

The amendment was adopted.

Mr. PHELAN. I offer the amendments which I send to the desk.

The Clerk read as follows:

Add to the preamble the following:

"And whereas the interests of the United States of America and of the North and South American Governments render it necessary that said ship-canal should be under the control and guaranty of the United States Government;

"And whereas the said canal when constructed will form a part of the coast-line which the United States would be compelled to defend in case of war."

Also insert, after section 4 of the bill, the following:

"Sec. 5. That the canal to be constructed under this act shall be under the control and protection of the United States, in order that the representatives of all the North and South American peoples may be guarded against any infringement or aggression on the part of foreign nations."

"Sec. 6. That tolls shall be equal upon the same class of tonnage for the vessels of all nations, except as provided in Article LIV of the concession and decrees of the Republic of Nicaragua to the Nicaragua Canal Association of New York."

"Sec. 7. The United States Government binds itself to protect all the rights of the citizens acquired under said concession and decrees, and guarantees the neutrality of the said canal and its operation under the terms of said concession and decrees, subject to the consent and approval by treaty or otherwise of the countries through which the said canal may be constructed."

Mr. DUNN. I hope these amendments will be agreed to. They are acceptable to the friends of this measure and to the country.

Mr. NELSON. I wish to inquire of the gentleman from Texas [Mr. CULBERSON], who introduced the first amendment, whether this last proposition does not to some extent neutralize the other.

Mr. CULBERSON. I think so.

Mr. PHELAN. If the gentleman will allow me to answer that question, I will tell him that in no respect whatsoever—

Mr. CULBERSON. Before the gentleman from Tennessee [Mr. PHELAN] commences his statement, I desire to inquire where this amendment is expected to come in.

Mr. PHELAN. One amendment is an addition to the preamble; the other proposes to insert three new sections as sections 5, 6, and 7, the numbering of the other sections of the bill being changed in accordance with this amendment.

Mr. FARQUHAR. I would like to inquire of the gentleman from Tennessee [Mr. PHELAN] whether his amendment conforms to the concessions and guaranties of the Nicaraguan Government in connection with the company seeking this charter?

Mr. PHELAN. I do not wish to bring up any question which might precipitate a discussion of our whole foreign relations in connection with the Nicaragua Canal; but I will say to the gentleman that the amendment I have drawn and submitted was prepared in careful conformity to the utterances of the State Department upon this subject from the time of the Presidency of General Grant to the present Administration. My object is to protect the United States in connection with this enterprise. Under this amendment the Government of the United States could not possibly be involved by the assumption of any financial obligation. The amendment is drawn for the purpose of enunciating clearly and distinctly in the terms of this bill the course which we propose to pursue if any discussion should arise in reference to that canal in the future. In other words, the amendment is drawn for the purpose of carrying out our construction of the Clayton-Bulwer treaty and for the purpose of emphasizing the fact that we repudiate the English construction.

Mr. FARQUHAR. I am perfectly satisfied with the gentleman's explanation.

Mr. CULBERSON. I think the House ought to hear that amendment read again.

The Clerk again read Mr. PHELAN's amendment.

Mr. CULBERSON. Mr. Chairman, I think this amendment changes the whole character of the bill. I have not had an opportunity to investigate this matter thoroughly; but my understanding has been all the while that the gentlemen who have petitioned Congress for the passage of this bill desired simply an act of incorporation. Further than that they have not asked and did not expect the Government to go. The bill as passed by the Senate and as now presented to the House, with the amendment I have offered, cuts the Government off from any connection whatever with this canal. But if the amendment proposed by the gentleman from Tennessee [Mr. PHELAN] should be adopted, our Government will be obliged to keep a standing army in that portion of the continent to protect the rights of this corporation. By the terms of the amendment the Government is bound to protect the interests of all persons concerned in the corporation. If this property should

be destroyed by a foreign enemy or by any other means, our Government by this proposition binds itself to make good to these incorporators the amount of their loss.

Another thing. As I understand the reading of the amendment, and I have only heard it read at the Clerk's desk, the Government binds itself to secure to these incorporators their rights in any cession the Government of Costa Rica may grant. Now, I think if the amendment is adopted it becomes a Government project, and the Government will have to send a part of its army there to take care of it and to protect the rights of the people who desire to pass through it, and to protect the rights of property of these people.

It is an extraordinary demand to make on the Government of the United States, in the first place, to create a corporation outside of the limits of the United States, and, in the second place, it is a more extraordinary demand to bind the Government to protect the rights of those people in their property in that country, as must be done if that amendment be adopted.

Mr. PHELAN. If the gentleman from Texas will allow me a moment—

Mr. CULBERSON. I will yield to the gentleman from Tennessee.

Mr. PHELAN. I would like to answer the statement made by the gentleman from Texas.

Mr. CULBERSON. How long?

Mr. PHELAN. Five minutes.

Mr. CULBERSON. I will yield to the gentleman for that time.

Mr. JACKSON. Is it still open to a point of order?

The CHAIRMAN. It is not.

Mr. PHELAN. Mr. Chairman, the gentleman from Texas labors under a radical misapprehension of the terms of the amendment I have offered. If it purported what he seems to think it does, I would be of the members of this House the last to offer it and the very last to allow it to pass through this House without serious and earnest protest.

My amendment was drawn expressly for the purpose of preventing the very result which the gentleman from Texas is apprehensive may ensue.

The amendment has been drawn, as I have already said, in careful conformity with the utterances of the State Department from General Grant's administration down to the present time. The rights we have in the premises and the duties imposed in connection with this canal are not dependent on the grant of any particular charter; that is, we have those rights and we are compelled necessarily to protect them, it matters not whether this or some other company undertakes to construct this canal.

I offered the amendment for the purpose of serving notice on the investors of the world what our relations to that project were independent of the fact we granted that charter.

I will not enter into a discussion of the Clayton-Bulwer treaty, but content myself with saying that there are two radically different and opposite constructions of it, one held by the diplomats of England and the other held by Mr. Blaine and every Secretary of State of the United States since.

My amendment was drawn in conformity with the utterances of our foreign policy on that subject, and not for the purpose of granting these incorporators any greater rights than they would have without it. On the contrary, the privileges they will have will be the same without as with the amendment.

The gentleman from Texas, therefore, is laboring under a misapprehension, and a serious misapprehension, in regard to the effect of the amendment. It was not drawn hastily, but after careful consideration of the subject, and with strict reference to the views of those who favor the United States side of the question. There is nothing binding us in any contingency to assume any financial responsibility in the matter. The grant to these incorporators is no greater in the way of protection than the United States grants to any one of its citizens, no matter where he may be. It is to serve notice to the outside world of what our position is.

I have not time, and will not trespass upon the patience of the House, to enter upon any extended discussion with the gentleman from Texas, who is, as I have shown, laboring under misapprehension as to the effect of the amendment I have offered.

[Here the hammer fell.]

Mr. CULBERSON. Mr. Chairman, I think that sections 5 and 7 of the amendment proposed by the gentleman from Tennessee are obnoxious to the objections I have suggested. The fifth section is simply the announcement of the Monroe doctrine in substance, that is to say that the Government of the United States grants and extends to this corporation a distinct announcement that it is bound to protect and defend the rights of the corporation against encroachments or infringements or aggressions on the part of any foreign country. In other words, the Government of the United States undertakes to protect North and South American people against any aggressions or infringements from foreign nations. That is the Monroe doctrine, as I understand it. That is to say, I understand the Monroe doctrine to be this in substance: that the Government of the United States would hesitate before permitting a foreign country or any foreign country to take possession of this canal and dominate these Central American Republics.

But now we are asked to agree to bind ourselves by this amendment in advance of any effort on the part of any foreign country to take possession of the canal. We agree, if we adopt this amendment, to protect the North and South American people, all of them, against invasions or aggressions from foreign nations. That is the substance of it.

The seventh section of the proposed amendment provides that the United States Government binds itself to protect all the rights of the citizens acquired under said concessions and decrees. I have not had an opportunity to investigate this subject fully, but I understand that this Government has made certain concessions to this company. They are, as I understand it, concessions of rights of way or lands, or some franchises in connection with the projected canal. But the Government of the United States binds itself by this amendment to protect all of the rights of citizens acquired under these concessions and decrees; and further guarantees the neutrality of said canal and its operations under the terms of the said concessions and decrees, subject to the consent and approval by treaty or otherwise of the countries through which the canal may be constructed. It also provides that this is to form a link of the chain of our national coast defenses. It provides:

And whereas the said canal when constructed will form a part of the coast line which the United States would be compelled to defend in case of war, etc.

The proposition is, therefore, if this amendment is adopted and if the bill is passed with that amendment embodied in it, to give notice to the whole world that the Government of the United States undertakes in advance to defend the interest of the incorporation in case of war against all aggressions. We make it an American institution. We plant an American institution in this foreign country and give notice that we will protect the interest of every man who acquires any title to the project under the decrees and concessions of this foreign government, and will defend such interests against aggression in time of war.

I repeat, therefore, sir, that I think these amendments change entirely the whole scope, object, and intent of the original bill.

I now yield to the gentleman from Iowa [Mr. FULLER] such time as he may desire.

Mr. PHELAN. Will the gentleman, before he proceeds, allow me a minute?

Mr. FULLER. Certainly.

Mr. PHELAN. I wish to say to the gentleman from Texas that I am entirely willing to accept any amendment which he may propose to the amendment I have suggested which will ingraft upon this bill a full enunciation of the Monroe doctrine. If the amendment I have drawn does not cover it, if the amendment is inartistically drawn, or is indefinite in any of its terms, I am perfectly willing and anxious to accept any suggestion in the way of an amendment that he may offer to make it clear and emphatic in that respect. The gentleman has unfortunately for myself and my position confused the relations we propose to occupy to the citizens who undertake this enterprise as American citizens and those which we propose to occupy towards the general enterprise itself. It would apply to the construction as well by German, French, or English capital. My object was to ingraft upon the bill the announcement of the Monroe doctrine. If I have not done so in the amendment, or if I have gone beyond that, I am willing to accept any amendment the gentleman may designate which will restrict it clearly to the limits designed to be covered by the amendment or will enlarge it to meet that point. That was the sole object I had in view in preparing the amendment.

Mr. CULBERSON. I do not think it is at all necessary for us to reaffirm the Monroe doctrine. All nations of the world understand our relations to that doctrine, and we can add no strength to our position by a reaffirmation here in this bill.

I yield to the gentleman from Iowa.

Mr. PHELAN. But that doctrine is denied by England.

Mr. CULBERSON. That is very true; but we are not bound by that denial.

Mr. FULLER. Mr. Chairman, this debate so far as it has proceeded satisfies me that I was correct in the position I took when I objected to the consideration of the bill at this time. I want to say that I am in favor of the building of a canal connecting the waters of the Atlantic with the Pacific; but this is the most gigantic legislation that has been before Congress for many years.

For the first time in the history of this country the United States Government proposes to charter a company to do business on foreign soil.

Mr. BAYNE. Oh, no; not the first time by any means.

Mr. FULLER. I think that this bill is of such importance that it should not be considered on Friday, when it is expected that only the ordinary private bills will be considered, and especially is it objectionable at a time when there are but about sixty members present on the floor.

I have not had an opportunity to examine the bill in all of its details, but I am satisfied from the cursory examination I have given to it that it is not surrounded by the proper guards; that it has not even the safeguards surrounding it that would surround an irrigating-ditch company in the State of Kansas or any mining corporation in the State of Colorado.

I say that this bill should be considered when there is a quorum

present, and carefully considered. It is a new question, a great question, and I for one am not in favor of, and do not propose to permit this bill to go through unless there is a quorum present. I give notice of that now.

Mr. DUNN. Will the gentleman allow me to ask him a question just there? How much time does the gentleman desire for the purpose of examining the bill?

Mr. FULLER. I will say that I think this bill should be referred to the Committee on the Judiciary, as there are legal questions involved. We have already heard from the chairman of that committee [Mr. CULBERSON], who gives one view as to the responsibility of the Government. Mr. PHELAN, who is a member of the Committee on Commerce, gives another. It is already evident that there is a division of opinion as to the legal questions; and I believe the bill should go to the Committee on the Judiciary upon the legal questions for consideration and report.

Mr. DUNN. But the gentleman from Texas [Mr. CULBERSON] has no trouble in reaching conclusions on which he will be satisfied. How much time does the gentleman from Iowa desire to satisfy himself? Will he agree to a day in the future?

Mr. FULLER. I certainly will.

Mr. DUNN. Will you name it now?

Mr. FULLER. I will name it.

Mr. DUNN. Name the day when you will allow the bill to be considered.

Mr. FULLER. I will be in favor of taking this bill up for discussion the second week of the next session.

Mr. DUNN. Oh, well, if the gentleman desires to be captious he can.

Mr. O'NEILL, of Pennsylvania. I desire to say to the gentleman from Iowa [Mr. FULLER] that this bill has been investigated thoroughly by the Committee on Commerce of this House; it has been before that committee a long while and carefully considered; and I will say to him that there are gentlemen on that committee who are very able lawyers—the chairman, the present acting chairman of the committee, and several others—who certainly have looked into this bill and its provisions in every point of view, and would not undertake to present to the House a bill unless it was correctly guarded. The giving of corporate powers by Congress is no new thing.

Mr. CULBERSON. Mr. Chairman, I am entitled to the floor; and I desire to ask the gentleman from Pennsylvania [Mr. O'NEILL] a question. Did not the Committee on Commerce report adversely on this proposition offered by the gentleman from Tennessee [Mr. PHELAN]?

Mr. O'NEILL, of Pennsylvania. Yes.

Mr. CULBERSON. Then I understand that this amendment offered by the gentleman from Tennessee has been acted upon by the Committee on Commerce, and that the committee refused to report it favorably to the House.

Mr. O'NEILL, of Pennsylvania. This bill has been reported favorably to the Committee on Commerce.

Mr. CULBERSON. Without this amendment?

Mr. O'NEILL, of Pennsylvania. The amendments of the gentleman from Tennessee [Mr. PHELAN] are those of his own suggestion. Mr. Chairman, I think this bill should be allowed to pass.

Mr. PHELAN. I beg the indulgence of the House for just three minutes. At the end of my remarks I will withdraw the amendment which has raised the objection of the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. PHELAN] to be allowed three minutes in which to make a statement? The Chair hears none.

Mr. PHELAN. So far as the question of constitutionality is concerned, the Committee on the Judiciary, which is composed of lawyers, have already passed upon that subject. When the question came up in the Committee on Commerce it was considered in full committee at three or four different meetings. It was considered carefully and at length. The amendments I offered were not amendments which were antagonized by any member of the Committee on Commerce except upon the proposition that this was a private charter, and it was inexpedient to ingraft upon a private charter any expression of our foreign policy.

Not for the purpose of defeating this bill, but in earnest protest against the proposed action, I offered this amendment. Now, in accordance with the manifest desire of the House, and with no view of applying that rule by which its passage may be obstructed, and having no desire to thrust my single individuality before the House and utilize the brute strength the rules of this House give for the purpose of enforcing my peculiar ideas or requiring a quorum to be present, I feel compelled to agree that a vote of the House shall be taken upon the bill without my amendment, and I withdraw my amendment. [Cries of "Vote!"]

The question was put as to ordering the bill to be reported to the House with a favorable recommendation.

The CHAIRMAN announced that the ayes seemed to have it.

Mr. FULLER. Division.

The committee divided; and there were—ayes 33, noes 6.

Mr. FULLER. No quorum.

Mr. LANHAM. Mr. Chairman, I move that the committee do now rise.

Mr. BAYNE. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. Is not this question still pending?

The CHAIRMAN. The question is pending as unfinished business. The motion of Mr. LANHAM was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report to the House sundry bills with various recommendations.

WASHINGTON AQUEDUCT TUNNEL INVESTIGATION.

Mr. BURNES. Mr. Speaker, I offer the concurrent resolution which I send to the desk.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That all work heretofore performed upon the Washington aqueduct tunnel, together with the provisions of any contract made for the same or any portion thereof, and all the facts and circumstances connected with the bidding for and letting and making of said contracts, and all expenditures of moneys heretofore appropriated for said work, together with the extent of any force employed in said work by the Government, the nature of the same and the compensation therefor, shall forthwith be fully investigated by a joint select committee of six members, of whom three shall be members of the Senate, to be appointed by the President of the Senate, and three shall be members of the House of Representatives, to be appointed by the Speaker. Said committee shall have authority to employ a clerk, a stenographer, and such experts as it may deem necessary for the investigation. It may sit during the sessions of Congress or in recess, and shall have full power, either in full committee or in subcommittee, to administer oaths and send for persons and papers, and to conduct its investigation either in Washington or in such places as may be deemed necessary, and shall make full report of its proceedings and the conclusions arrived at, with such recommendations as it may deem proper to Congress on or before January 1, 1899.

Mr. DINGLEY. I desire to reserve the right to object until I learn why that matter is brought here in this form when it is now pending in conference.

Mr. BURNES. The lawyers of the Senate and the great lawyers of the Senate have suggested, with a good deal of force, that perhaps we have not the right or the power under our system of legislation to raise this joint committee in an appropriation bill. Therefore, in order to prepare the appropriation bill properly, it is necessary to get this first out of the way. We introduce this resolution, therefore, and appropriate the money necessary to conduct the investigation.

Mr. DINGLEY. That explanation is entirely satisfactory.

Mr. BURNES. The gentleman being satisfied, I now move the previous question.

The previous question was ordered.

The concurrent resolution was adopted.

Mr. BURNES 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.

PRIVATE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5043) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin;

A bill (H. R. 2896) for the relief of the heirs of John R. Trentlen;

A bill (H. R. 11165) for the relief of John Gray;

A bill (H. R. 3715) for the relief of the National Bank of New Orleans, formerly Louisiana State Bank;

A bill (H. R. 3765) for the relief of James Devine;

A bill (H. R. 5480) for the relief of James Iredell Meares; and

A bill (H. R. 10099) for the relief of Melchisedec Robinson.

Amendments reported from the Committee of the Whole to House bills of the following titles were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7151) for the relief of A. N. Kimball and sureties;

A bill (H. R. 338) to remove the charge of desertion from the military record of J. George Ruckstuhl;

A bill (H. R. 9211) for the relief of Jesse Durnell; and

A bill (H. R. 1156) for the relief of Miles F. West.

Senate bills of the following titles, reported from the Committee of the Whole, were severally ordered to a third reading, and were accordingly read the third time, and passed:

A bill (S. 741) for the relief of William Tabb; and

A bill (S. 1671) for the relief of the heirs of Martin Kenofsky.

WILLIAM R. WHEATON AND C. H. CHAMBERLAIN.

The House proceeded to the consideration of the bill (H. R. 661) reported from the Committee of the Whole House on the Private Calendar for the relief of William R. Wheaton and Charles H. Chamberlain, of California.

Mr. MCKENNA. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of Senate bill No.

664, and that it be substituted for this House bill, with which it is identical.

The SPEAKER *pro tempore*. If there be no objection, the House will proceed to the consideration of Senate bill No. 664, in lieu of House bill No. 661, the two bills being, as stated by the gentleman from California [Mr. MCKENNA], identical in their provisions.

There being no objection, the bill (S. 664) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, was taken up, ordered to a third reading, read the third time, and passed.

House bill No. 661 was, by unanimous consent, laid on the table.

Mr. LANHAM. I move to reconsider the several votes by which these bills reported from the Committee of the Whole House on the Private Calendar have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTATE OF JOSEPH FENNO.

Mr. ROGERS. I ask unanimous consent for the present consideration of the bill (S. 1190) for the relief of the estate of Joseph Fenno, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Joseph Fenno, deceased, late of Little Rock, Ark., out of any money in the Treasury not otherwise appropriated, the sum of \$580, for rent of buildings owned by him in Little Rock, Ark., which were occupied by the military authorities of the United States, under contract, from July 1, 1864, to January 30, 1865, and for which vouchers were given said Busby by said authorities.

There being no objection, the House proceeded to the consideration of the bill.

Mr. ROGERS. By a clerical or typographical error the word "Busby" appears in the last line of the bill instead of "Fenno." I move to amend by striking out "Busby" and inserting "Fenno."

The amendment was agreed to.

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

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

The latter motion was agreed to.

J. M. HOGAN.

Mr. MORROW. I ask unanimous consent for the present consideration of the bill (H. R. 4489) for the relief of J. M. Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay the claim of J. M. Hogan, of Stockton, in the State of California, for loss of property in consequence of depredations committed by Snake or Shoshone Indians in the year 1861, while en route through the Territory of Utah to the State of California; and that the sum of \$6,000 be, and the same is hereby, appropriated to pay the said claim of the said J. M. Hogan, said claim having been fully examined into by the Indian Bureau of the Interior Department, under rules and regulations promulgated by the Commissioner of Indian Affairs to the Secretary of the Interior, with the recommendation for an allowance in the amount hereby appropriated, said claim having been duly reported to Congress, in pursuance to law, by the Secretary of the Interior.

Mr. KILGORE. I think, perhaps, the report in this case ought to be read. I am inclined to object to the bill.

The SPEAKER *pro tempore*. The gentleman from Texas asks that the report be read; reserving the right to object.

Mr. MORROW. This claim was investigated carefully by the Indian Bureau, and was reported by the Interior Department to Congress for allowance. It has already been once passed by this House unanimously; but unfortunately it did not pass in the Senate.

Mr. KILGORE. The bill calls for a considerable amount of money.

Mr. MORROW. The money does not come out of the Treasury—not a dollar of it.

Mr. KILGORE. How is the claim to be paid?

Mr. MORROW. It is to be paid out of the funds of the Indians.

Mr. KILGORE. Well, I do not care much about it.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. SOWDEN said: I move that the House now take a recess.

The motion was not agreed to.

The question recurring on the passage of the bill, it was passed.

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

The latter motion was agreed to.

JAMES SIMS.

Mr. MORGAN. I ask unanimous consent for the present consideration of the bill (H. R. 9297) for the relief of James Sims.

The bill was read, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,338, to be paid to James Sims, of Marshall County, in the State of Mississippi, for quartermaster and commissary stores furnished by him to the Army of the United States in the years A. D. 1862 and 1863.

Mr. MORGAN. I ask that the report be read.

The report of the Committee on War Claims (by Mr. BLISS) was read, as follows:

The committee finds from the sworn statement of James Sims, Alfred Featherstone, and Manuel Sims that the claimant furnished quartermaster and commissary stores to the Army of the United States from December, 1862, to August, 1863, valued at \$5,582. Receipts are also filed with the committee for a portion of the supplies enumerated in the sworn statement of claimant, which were given at the time by officers of the Army who took them. Also the following order from General Grant in his own handwriting:

"HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Holly Springs, Miss., January 4, 1863.

"Mr. James Sims, living 8 miles southwest of Holly Springs, is authorized to retain four mules and the remainder of stock, grain, and provisions on hand.

"All United States troops are prohibited from further molesting or taking from Mr. Sims, he having already contributed largely to the support of the Federal Army.

"U. S. GRANT, Major-General."

This order shows that a large amount of supplies not covered by the receipts of officers were furnished by James Sims. Conclusive evidence is also filed showing claimant's loyalty.

The committee is of the opinion that this claim should be paid, and recommend the passage of the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. KILGORE. I believe this claim ought not to be paid. I am inclined to doubt the proof of the claimant's loyalty. He lived in Mississippi during the war, and the pretense of a man down in Mississippi being loyal to the Government of the United States during the war is tolerably "thin." [Laughter.]

Mr. MORGAN. I presume I was just about as disloyal as the gentleman from Texas, for I was in the Confederate army from the beginning of the war until its close. I would be as unwilling as any one to pay the claim of a man not entitled to payment. But of course persons can prove their loyalty; and the Committee on War Claims, having investigated that subject, is satisfied that this man was loyal. I think the claim ought to be paid.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. KILGORE. Will not somebody over there object to it if I do not? [Laughter.]

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

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

The latter motion was agreed to.

WILLIAM ENGLISH.

Mr. ROCKWELL. I ask unanimous consent for the consideration of the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint William English a second lieutenant in the regular Army of the United States and to assign him to any vacancy in said rank existing therein.

Mr. SOWDEN. Let us have the report read.

Mr. ROCKWELL. I will make a statement of the facts, if the gentleman from Pennsylvania will allow me.

Mr. SOWDEN. I am willing to accept the gentleman's statement in lieu of the reading of the report.

Mr. ROCKWELL. The report of the Committee on Military Affairs in this case, which was made by the gentleman from Mississippi [Mr. HOOKER], not now present, is unanimous.

Mr. SOWDEN. What are the facts of the case?

Mr. ROCKWELL. I will state them in a moment. Two different courts-martial sat upon the cases of two officers of the Army, although the cases rested upon practically the same evidence. One of the officers was sentenced to six months' suspension and the payment of a fine of \$50; the other officer was condemned to dismissal from the Army, though in the latter case there was substantially the same state of facts, or if anything there was reason for a lighter sentence than in the other case. The committee has unanimously reported this bill; and I am authorized by the gentleman from Mississippi [Mr. HOOKER], who presented the report, to say that the measure has his entire and hearty approval.

Mr. DINGLEY. What was the offense?

Mr. ROCKWELL. The offense—

Mr. SOWDEN. This is simply to restore the officer?

Mr. ROCKWELL. That is all.

Mr. DINGLEY. What was the offense alleged?

Mr. ROCKWELL. There were two charges, one that he committed some act unbecoming an officer and gentleman, and the other was for absence without leave. On this latter charge, absence without leave, he was found guilty, but on the other he was dismissed on the statement as embodied in the specifications; but they filed certain new specifications at the time of the trial, which the committee thought ought not to have been done.

Mr. DINGLEY. It was not for habitual drunkenness?

Mr. ROCKWELL. No, sir.

Mr. OATES. He was charged with some immoral conduct?

Mr. ROCKWELL. For some conduct unbecoming an officer and a gentleman. The case has been reported unanimously by the committee.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. OATES. I did not hear the reading of this bill. Does it require the appointment absolutely, or leave it discretionary with the President?

Mr. ROCKWELL. It authorizes the appointment.

The SPEAKER *pro tempore*. The bill will be again reported.

The bill was again read.

Mr. OATES. I take it that it does not require the President to make the appointment, but only authorizes him.

Mr. ROCKWELL. Not by any means. It has been brought to the attention of the President, and meets his approval in that form.

Mr. OATES. If it only leaves it to his discretion I have no objection.

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

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

The latter motion was agreed to.

ST. CLAIR FLATS SHIP-CANAL.

Mr. CATCHINGS, from the Committee on Rivers and Harbors, by unanimous consent, reported back favorably the bill (H. R. 11445) for completing the dredging of the St. Clair Flats Ship Canal, Michigan; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRIETTA M. SANDS.

Mr. TRACEY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, the sum of \$370.50, being the sum due to the decedent under the decisions of the Supreme Court of the United States in the Graham and Temple cases as the difference between actual traveling expenses allowed and the mileage due for travel performed by decedent upon duty under orders in June, 1861.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. KILGORE. Let the report be read, so that we can wind up the evening on that case.

The report (by Mr. TIMOTHY J. CAMPBELL) was read, as follows:

The Committee on Claims, to whom was referred Senate bill No. 1089, for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, have considered the same, and respectfully report that a report on this bill was made to the Senate at this session of Congress (Senate Report No. 415), and your committee adopt said report as their own, which is appended hereto, and report the bill back and recommend its passage.

[Senate, Report No. 415, Fiftyeth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1089) for the relief of Henrietta M. Sands, widow of Rear-Admiral Sands of the United States Navy, have considered the same, and respectfully report:

This claim is for the balance of mileage due under the law to the estate of the late Rear-Admiral Benjamin F. Sands, United States Navy, for travel performed by him under orders in June, 1861. Under the construction put by the accounting officers of the Treasury upon the act of 1855, officers of the Navy had been notified that mileage would only be allowed where the travel was performed within the United States, and simply actual expenses when they traveled outside of the United States. It was only by the decisions of the Supreme Court of the United States in the Graham and Temple cases (105-110, U. S. Reports) that officers were informed of the erroneous ruling of the accounting officers, and all who had only received actual expenses claimed, and the accounting officers allowed, and Congress appropriated the money to pay them the difference between what had been allowed and what was due as mileage, a great many of the cases being for travel under orders dating prior to 1850.

The amount due to the late Admiral Sands has been stated by the Second Comptroller, in an opinion laid before the committee, to be \$370.50, which he says he could not certify to Congress, as the amount allowed for actual expense of travel was in the accounts of a coast survey officer, and so came under another bureau of the Treasury Department, which declined to consider it.

It is clear that this sum was due to Admiral Sands, and that it has never been paid. It is about the only such claim that remains unsettled. The estate of Admiral Sands, which was solvent, has been closed by the administrator, wherefore it is that the money so due is made by the bill payable directly to the officer's widow, who is the residuary legatee; and your committee recommends the passage of the bill as just and proper.

There being no objection, the bill was considered, ordered to a third reading; and being read the third time, was passed.

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

The latter motion was agreed to.

WILLIAM J. SOWELL.

Mr. PEEL. I ask unanimous consent to take up and pass the bill.

(H. R. 2025) to place William J. Sowell on the rolls of the Arkansas Volunteers. I ask to discharge the Committee of the Whole from its further consideration, and pass the bill. It does not appropriate a dollar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, directed to place the name of William J. Sowell on the rolls of Capt. Thomas J. Williams's company (B), First Arkansas (six months') Infantry Volunteers, as having enlisted June, 1862, and to enter him as having died in service on the 7th day of October, 1862; and all pay, bounty, and pension due under any laws of the United States on account of his services and death shall be paid to the parties thereto entitled.

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

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

The latter motion was agreed to.

And then (the hour of 5 o'clock having arrived) the Speaker *pro tempore* declared the House in recess under its previous order until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. was called to order by Mr. McMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, October 5, 1883.

DEAR SIR: I hereby designate Hon. BENTON McMILLIN, of Tennessee, to preside as Speaker *pro tempore* at the session of the House this evening.

Hon. JOHN B. CLARK,
Clerk House of Representatives.

JOHN G. CARLISLE.

ORDER OF BUSINESS.

Mr. LYMAN. Mr. Speaker, I wish to submit a parliamentary inquiry. Some few weeks ago the Senate bill 3018, granting a pension to John N. Bovee, passed the committee and was reported to the House, the question being upon its third reading. I wish to ask if it is proper to call that bill up now, or if it can be called up the first bill after the committee shall rise to-night?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Iowa that in the regular order this bill will be reached first when the committee rises to-night.

Mr. LYMAN. That is satisfactory to me.

Mr. YODER. I move that the House resolve itself into Committee of the Whole to consider bills on the Private Calendar, under the special order.

The motion was agreed to.

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

Mr. MORRILL. Mr. Chairman, I ask consent that the same order of business be pursued to-night as on last Friday; that is, that the roll be called and each member be allowed to call up a bill as his name is reached.

There was no objection, and it was so ordered.

ELLEN WHITE DOWLING.

Mr. FULLER. I call up the bill (S. 1481) granting a pension to Ellen White Dowling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen White Dowling, a volunteer nurse in the Army during the war of the rebellion, and pay her a pension of \$25 a month, during life, from and after the passage of this act.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1481) granting a pension to Ellen White Dowling, submit the following report:

The papers submitted to your committee in this case fully substantiate the statements made in the report of the Committee on Pensions in the Senate, and their report is adopted and the passage of the bill recommended, with an amendment striking out the words "twenty-five" and inserting "twelve."

[Senate Report No. 1066, Fiftyeth Congress, first session.]

The applicant is one of the army of noble and patriotic women who rendered such valuable service in caring for the sick and dying soldiers of the late war. She entered the Massachusetts General Hospital to prepare for field service, and while there cared for many wounded soldiers sent home from the first battle of Bull Run. She left this hospital intending to go to the field, when she was stationed in the Armory Square Hospital as first volunteer nurse. Here she served faithfully until May, 1863, acting not only in the capacity of nurse, but as surgeon's assistant during painful operations, when her delicate woman's nature was subjected to the severest nervous strains. Her system has never recovered from the fatigues and shocks of this service, and the committee, after a careful review of the evidence, are convinced that she is entitled to national recognition, and therefore recommend the passage of the bill.

The amendment was adopted.

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

MARY J. FOSTER.

Mr. GIFFORD. I call up the bill (S. 3030) granting a pension to Mary J. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Mary J. Foster, widow of Milton S. Foster, late a private in Company A, Fifth Regiment Kansas Cavalry.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 3030) granting a pension to Mary J. Foster, submit the following report:

The claimant in this case is the widow of Milton S. Foster, of Company A, Fifth Kansas Cavalry, who enlisted August 4, 1861, and was discharged April 20, 1865. In her declaration for pension she declares that her husband contracted catarrh in the service and died therefrom December 16, 1872. The case was rejected on the ground that the soldier's fatal disease was consumption, and it was not proven to have been due to his military service. The prisoner of war records show that he was captured at Marks Mills, April 26, 1864, and released at Red River Landing, February 26, 1865. The assistant surgeon-general United States Army reports that no hospital records of the Fifth Kansas Cavalry were ever on file in this office, so the claimant is unable to show by the hospital records the incurrence of the disease in the service.

A. Thomas testifies that Foster was a strong, healthy man at the time of his enlistment, and that the exposure and hardships of his prison life were the main cause of his injury, which afterwards resulted in his death; that he knew him after the war, and that his constitution was completely broken down.

Other witnesses testify to his robust health at the time of his enlistment, and that he was broken down in health at the time of his discharge.

The evidence submitted to your committee seems to establish the fact at the time of his discharge from the service that he was suffering from catarrh in the head, which gradually increased until the bones of his face began to decay, and until, as one witness testifies, it seemed as if the whole inside of his head was rotten.

His death was caused by consumption, which your committee are satisfied was the natural sequence of the diseased condition of his head, and they therefore recommend the passage of the bill.

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

ORDER OF BUSINESS.

Mr. LAWLER. I would suggest to the House that the call of the roll be dispensed with, and that when an initial is announced gentlemen may rise and ask for the consideration of a bill.

The CHAIRMAN. The committee can not dispense with the order of the House, which requires the call of the roll.

MARY ANN SHOOK.

Mr. JOHNSTON, of North Carolina. I call up for consideration the bill (H. R. 2702) granting a pension to Mary Ann Shook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Shook, widow of Joseph G. W. Shook, late a private in the company of Daniel Hake in the war of 1812, and to pay her a pension from and after the passage of this act.

The CHAIRMAN. The bill which the gentleman from North Carolina [Mr. JOHNSTON] has sent up has an amendment written in it.

Mr. JOHNSTON, of North Carolina. It is merely a misprint. The name in the bill should be "Daniel Hoke," instead of which it is printed "Hake." I offer that amendment.

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

The Committee on Pensions, to whom was referred the bill (H. R. 2702) granting a pension to Mary Ann Shook, have considered the same and report as follows:

The claimant is the widow of Joseph George Shook, who she declares was a soldier for the period of ten weeks during the war of 1812, under Captain Hoke, of the North Carolina Infantry, and was discharged about March 25, 1815.

Her claim has been rejected by the Pension Bureau on the ground that there is no evidence in the Third Auditor's office, Treasury Department, that her husband was ever in the military service.

The following certificate from the records on file with the State officers of North Carolina shows that a service was rendered in the company alleged:

"NORTH CAROLINA, ADJUTANT-GENERAL'S DEPARTMENT,
Raleigh, January 5, 1885.

"This is to certify that upon the original manuscript muster-rolls of the war of 1812, of the North Carolina troops mustered into the service of the United States, appears the name of George Shook, as a private in the company commanded by Capt. Daniel Hoke, of Lincoln County. That company was of the Seventh Regiment, of which Andrew Irwin was lieutenant-colonel commandant.

"FRED. A. OLDS, Clerk in Charge of Records."

A further statement from Mr. Olds is to the effect—

"That Lieutenant-Colonel Irwin's regiment was ordered to rendezvous at Wadesborough, Anson County, March 1, 1815, a requisition having been made by Maj. Gen. Thomas Pinckney for one regiment to march to the defense of the southern frontier of the sixth military district of the United States. Our records were in part destroyed in 1868, and so I can not give the dates of muster in and muster out."

The claimant is ninety-two years of age.

Your committee are of the opinion that the records on file in the archives of the State should be accepted as sufficient to establish the fact of the service of the claimant's husband. They recommend the passage of the bill.

The amendment was agreed to, and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ABBIE L. HAM.

Mr. DINGLEY. I was detained this evening and my name was called when I was absent. I ask unanimous consent that I may call up a bill at this time.

There was no objection.

Mr. DINGLEY. I call up for consideration the bill (S. 3197) granting a pension to Abbie L. Ham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Abbie L. Ham, widow of John S. P. Ham, late captain of Company C, Thirteenth Maine Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 3197) granting a pension to Abbie L. Ham, have had the same under consideration, and beg leave to submit the following report:

Abbie L. Ham is the widow of John S. P. Ham, late captain of Company C, Thirteenth Regiment Maine Volunteers. The widow's application was rejected on the ground that her husband's death was not due to his service.

The records of the War Department show that the soldier served as second lieutenant, first lieutenant, and captain, respectively, from December 4, 1861, to January 6, 1865.

Dr. Bates, late surgeon of Ham's regiment, testifies to his suffering from attacks of chills and fever, the result of climatic influences and exposure; that he was a sound, able-bodied man when he entered the service; that at the battle of Sabine Cross-Roads, Louisiana, on the 8th of April, 1864, he was severely wounded in the abdomen and hip by a rifle ball, which entered in front at the lower portion of the abdomen, by the side of the bladder, and passed through the body and lodged in the hip; that he dressed said Ham's wound as he was brought off the battle-field; that he had the reputation of being a brave soldier in his company during his service in the Army.

Dr. Donovan, who knew the soldier twelve years as a neighbor, commenced to treat him professionally in October, 1876; was called to treat him January 5, 1882; found him in a high degree of mental excitement; feverish, pulse accelerated, left arm and leg paralyzed. Upon examination of the heart aortic and mitral murmurs were discovered. Paralysis and delirium continued until January 15, when he died. The diagnosis was cerebral hemorrhage, due to degenerate changes in cerebral arteries. His early death, occurring at the age of fifty years, dependent on organic disease of the heart and brain, in one whose family history has been so exceptionally good, inclines deponent to believe that the soldier's gunshot wound, the general severity of army life, and the damaging effects of malarial infection led to the development of cardiac disease and then to the cerebral affection which resulted as described. This theory seems more probable, since, as it is alleged, he was in a sound physical condition at the time of his enlistment.

Dr. Horr knew the soldier since 1870. He belonged to a large family, who were vigorous and healthy, and was considered to have inherited a vigorous constitution. During the last few years of his life he appeared to be failing in health and growing old prematurely. Deponent first visited him professionally January 8, 1882, in consultation with Dr. Donovan. He was partially conscious, one-half of his body paralyzed, valvular murmurs were heard, and some irregularity of the heart was noted. The case was diagnosed as one of cerebral hemorrhage, from degenerative disease of the blood-vessels, or possibly embolism with hemorrhage infraction. The disease of blood-vessels and heart were believed to have existed for a long time. Five days later they consulted again. The symptoms were more intensified; was in a comatose condition. The scar was nearly over the left hip-joint, the ball having entered the lower part of the abdomen and made its exit near the left trochanter major. Death occurred two days later, and deponent is of the opinion from information obtained by examination and from the history of the case that the disease which caused his death had its origin from malarial poisoning and other enfeebling agencies to which he was exposed while in service.

This deponent was late an assistant surgeon in the Army and a practitioner of medicine over twenty-two years. A special examiner says he stands at the head of his profession in Maine, and his reputation is excellent.

Amos Nevins testifies to the soldier's soundness before enlistment; lived near him since his boyhood, worked with him and had a good opportunity of judging. From the time of his return home from the Army to the date of his death he was never a well man. He suffered every year from frequent chills and fever and nervous prostration, which was attributed to his wound. They occurred about once a month. Deponent worked with him much of the time, and was a partner with him in the mill and grain business.

The reputation of this witness, as well as that of all who testify, is admitted to be of the best.

The Adjutant-General reports that he was discharged January 6, 1865, and that he was then "present, sick." Amos Nevins, who knew him from his boyhood, says he was sound prior to enlistment, and that he was never well after he returned from the Army.

The long and faithful service of Captain Ham, his serious disability from the wound and disease due to his military service, as well as the opinions of the attending physicians, afford your committee ample justification in returning the bill with the recommendation that it do pass.

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

MARGARET M. HATCH.

Mr. LAWLER. I ask consideration of the bill (H. R. 5751) for the relief of Margaret M. Hatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Margaret M. Hatch, mother of William E. Hatch, deceased, formerly of Company B, Seventh New York Heavy Artillery.

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

The Committee on Invalid Pensions, to whom was referred House bill 5751, submit the following report:

The claim of Margaret M. Hatch, mother of William E. Hatch, deceased, formerly of Companies A and B, Seventh New York Heavy Artillery, for mother's pension, No. 264917, was rejected January 7, 1884, for the reason that there was no record or other evidence showing that the soldier's fatal disease, hemorrhage of the lungs, was owing to his army service, and claimant is unable to furnish such proof.

The testimony on file in the War Office and Pension Office shows that soldier received a gunshot wound of shoulder and chest in the battle of Cold Harbor, in June, 1864, for which he was sent to the hospital, and that afterward he had partially recovered and returned to his regiment, and that he was discharged with his regiment in 1865.

The mother claims that the wound of shoulder and chest affected soldier's lungs, and that he had lung trouble at the date of his discharge and continuously to the date of his death. Soldier died in Buffalo, N. Y., of hemorrhage of the lungs, October 27, 1867.

Dr. Thorn, the family physician, who treated soldier immediately after his return home and thereafter, is dead.

The mother says the doctor told her, when her son first returned home after discharge, that the ball had taken a downward course in the chest, and would be apt to cause hemorrhage of the lungs, which proved in the end to be true.

Claimant's husband, the father of the soldier, was a dissipated man, and died in 1878. She is now old, about seventy-eight years of age, and feeble and unable to support herself; has no real estate, and but little personal property, and no one legally bound to support her.

The record further shows that the soldier was a sound man when he enlisted; that he was in the hospital for treatment from June to August, 1864, after receiving the said wound, and that the ball remained in the body, and Dr. Thorn said, when the soldier first returned home, that the ball had taken a downward course in the chest, and the soldier died October 27, 1867, of hemorrhage of the lungs, as the coroner's inquest shows; and an equitable construction of the testimony shows that the soldier died from the injury received in battle.

The committee therefore recommend that the bill do pass.

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

WILLIAM A. MATHES.

Mr. KILGORE. I call up for consideration the bill (H. R. 8521) for the relief of William A. Mathes. I call it up for Colonel MATSON, the next governor of Indiana. [Laughter and applause.]

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed to place the name of William A. Mathes, late of Company B, Eighteenth Regiment Volunteer Infantry, on the pension-roll, subject to the conditions and limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8521) for the relief of William A. Mathes, having considered the same, beg leave to submit the following report:

This soldier is pensioned at \$30 per month for loss of right arm, as provided by the general law. The next highest rate fixed by law is \$50, which is for a condition of total helplessness, requiring the regular aid and attendance of another person. He has been examined, and a board of surgeons recently determined that he was not in that condition, but it was shown by that examination that he had another wound on the remaining hand that greatly disables it, so that he nearly approaches the condition of helplessness.

This wound of left hand was received in battle at the same time the wound of right arm was received, and for the two disabilities it is the judgment of the committee that he should receive a pension of \$45 per month; and they therefore ask that said bill do pass, with the following amendments:

In line 4, strike out the words "place the name" and insert instead the words "increase the pension," and strike out all after the word "regiment," in line 5, and add these words: "Indiana Volunteers, to \$45 per month, in lieu of the pension now paid him."

The amendments offered by the committee were agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH C. TAYLOR.

Mr. LAFFOON. I ask consideration of the bill (S. 1482) granting a pension to Sarah C. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Taylor, a volunteer nurse in the Army during the war of the rebellion, and pay her a pension of \$25 a month, during life, from and after the passage of this act.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1482) granting a pension to Sarah C. Taylor, submit the following report:

The Committee on Pensions in the Senate submitted a report which, upon a careful examination of the papers in the case, your committee find to contain a clear statement of the case, and they thereupon recommend the passage of the bill with an amendment striking out "twenty-five," in line 6, and inserting "twelve."

[Senate Report No. 962, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 1482) granting a pension to Sarah C. Taylor, have examined the same and report:

"That the claimant was a volunteer Army nurse in the military hospitals of the Government during the war of the rebellion. She entered the service October 15, 1862, and as appears from the sworn statement of Dr. Thurston, assistant surgeon, United States Army, she remained in the service three years, until the close of the war.

"It appears from the evidence that she was a faithful, valuable, and efficient nurse during all this period, and that her services were much needed and highly appreciated. Considering the nature of these services, the laborious details of attention and attendance upon the sick and wounded soldiers of the Government, the care and anxiety incident to an employment so kind, so beneficent in its objects, we do not hesitate to say that such a woman has earned the right to recognition and compensation very nearly, if not equivalent, to that accrued by service in the field for the same period."

We therefore recommend the passage of the bill, more especially as she is now over sixty years of age and without means of support.

The amendment proposed by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM SMITH.

Mr. LYMAN. I ask consideration of the bill (S. 1926) granting a pension to William Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$45 per month, subject to the provisions and limitations of the pension laws, the name of William Smith, late a private in Company H, Ninety-third Pennsylvania Volunteers, this act to take effect from its passage, and the pension hereby granted to be in lieu of that which he is now receiving.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1926) granting a pension to William Smith, have had the same under consideration and respectfully report:

William Smith enlisted as a private in Company H, Ninety-third Pennsylvania Volunteers, January 1, 1864; discharged June 14, 1865, on surgeon's certificate of disability because of "amputation of left leg, upper third, for gunshot wound received at Fisher's Hill, Va., October 22, 1864." He was pensioned August 18, 1865, at \$8 per month, on account of amputation of left leg. Said pension has been increased from time to time. Claimant now receives \$30 per month.

From the papers on file in the Bureau of Pensions it is apparent that the claimant suffers intense neuralgic pain from the stump of his leg; that he is frequently compelled to discard his artificial limb, owing to severe suffering from its use; that his general health is very poor from general debility, and that he is unable to perform manual labor to any extent.

In addition to the loss of his left leg below the knee, he suffered, not long ago, a comminuted fracture of the thigh of the same leg by an accident.

Your committee recommend that the bill be amended by striking out the word "fifty" and inserting the word "fifty-five" in fifth line of the bill, and that it be passed as amended.

Mr. MORRILL. I think the recommendation to strike out "fifty" and insert "fifty-five," which would be contrary to the rules of the committee, is an error.

Mr. LYMAN. The bill proposes to grant a pension at \$45 and the recommendation seems to be an error. The Senate bill fixes the pension at \$45. I think there should be no amendment offered at all. The Senate bill is just as the committee recommended that it should be passed.

The CHAIRMAN. The bill as printed fixes the pension at \$45.

Mr. LYMAN. The amendment proposed in the report is certainly a mistake.

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

W. J. TAPP & CO.

Mr. MARTIN. I ask consideration of the bill (H. R. 332) for the relief of W. J. Tapp & Co.

The bill was read for information.

Mr. MORRILL. I raise the point of order that that does not come under the order for Friday evening sessions.

The CHAIRMAN. The Chair understands the order for Friday evening sessions restricts the House to the consideration of bills reported by the Committee on Pensions and Committee on Invalid Pensions. This seems to be a bill reported by the Committee on Claims, and the Chair sustains the point of order.

Mr. MARTIN. I will withdraw that bill.

There was no objection.

DAVID HEINBACH.

Mr. MARTIN. I ask consideration of the bill (S. 1219) granting a pension to David Heinbach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Heinbach, Company G, One hundred and seventy-third Pennsylvania Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1219) granting a pension to David Heinbach, having considered the same report as follows:

The committee adopt and make part hereof the report of the Senate Committee on Pensions, and recommend the passage of the bill. The Senate report is as follows:

[Senate Report No. 462, Fiftyeth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1219) granting a pension to David Heinbach, have examined the same and report:

This claimant enlisted in Company G, One hundred and seventy-third Pennsylvania Militia, November 2, 1862, and was mustered out August 18, 1863. He claimed pension for a rupture caused by falling from a bridge which he was assisting to build over Goose Creek, Virginia, August 1, 1863. He received no hospital treatment, as he swears his captain, who was also a physician, treated him. His claim was rejected by the Pension Office because he could not obtain evidence that he received the injury in the service. There is ample evidence that the rupture did not exist at the time of enlistment, and that it does exist now, but the claimant swears that he is unable to furnish the evidence required by the Pension Office by reason of the death of his captain and the only two of his comrades who knew and could testify to the facts.

Your committee are of opinion that this is a meritorious case, and recommend that the bill do pass.

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

MARY M. ORD.

Mr. McKENNA. I ask consideration of the bill (S. 2663) granting an increase of pension to Mary M. Ord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary M. Ord, widow of the late General E. O. C. Ord, and to pay her a pension at the rate of \$100 per month, in lieu of the pension she is now receiving.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 2663) granting an increase of pension to Mrs. Mary M. Ord, have had the same under consideration and beg leave to submit the following report:

The beneficiary named in the bill is the widow of the late Maj. Gen. E. O. C. Ord.

Upon the death of General Ord the following order was issued by the War Department:

"HEADQUARTERS OF THE ARMY,
"ADJUTANT-GENERAL'S OFFICE,
"Washington, July 24, 1883.

"With profound sorrow the General of the Army announces the death, at Havana, Cuba, at 7 o'clock on the evening of the 22d instant, of Maj. Gen. Edward O. C. Ord, retired, and lately brigadier-general and brevet major-general on the active list.

"General Ord was graduated at the Military Academy and appointed second lieutenant in the Third Artillery July 1, 1839. Having passed through the several grades, including that of lieutenant-colonel in the artillery arm, he received

his appointment as brigadier-general of the permanent establishment on the 26th of July, 1866. He had, on the 14th of September, 1861, for service in war, been appointed brigadier-general of volunteers, and on the 2d of May, 1862, major-general of volunteers. He was mustered out of the volunteer service September 1, 1866.

"For gallant services in action at Dranesville, Va., Iuka, Miss., the Hatchie, Miss., and at the assault of Fort Harrison, Va., he received, successively, the brevets of lieutenant-colonel, colonel, brigadier-general, and major-general, United States Army. He served in the Florida war against the Seminole Indians, on the Pacific coast in the war against Mexico, and in Indian campaigns on the same coast.

"In the Army of the Potomac he was brigade and division commander; in the Army of the Tennessee he commanded the left wing from August to September, 1862, and subsequently he commanded, successively, the Thirteenth, Eighth, Eighteenth, and Twenty-fourth Corps, and the Army of the James. He was severely wounded in the battle of the Hatchie, Miss., and was wounded in the assault and capture of Fort Harrison, Va.

"Since the late war he has at different times commanded the Departments of Virginia, the Ohio, Arkansas, California, the Platte, Texas, and the Fourth Military District.

"He was retired on the 6th day of December, 1880, and by act of Congress approved January 23, 1881, he became a major-general on the retired list. Retirement did not close his active life, for immediately thereafter he engaged in civil pursuits and continued therein until death suddenly came upon him.

"Distinguished among his country's defenders, General Ord was a soldier of national repute. Through his long military service, reaching towards half a century, his career has been marked by faithful, devoted, and intelligent discharge of duty, by personal gallantry, by honest administration, and by a firmness which was not weakened by his great kindness of heart. As his intimate associate since boyhood, the general here bears testimony of him that a more unselfish, manly, and patriotic person never lived.

"By command of General Sherman.

"GEO. D. RUGGLES,
"Acting Adjutant-General."

Mrs. Ord is now in receipt of a pension of \$50 per month, under act of Congress, approved July 5, 1884. She was married to General Ord October 15, 1854, at San Francisco, Cal., and is now a resident of that State. Having exhausted her limited means in support of an invalid daughter, she is now poor and not able to maintain herself and daughter, who is dependent upon her, on present pension, which is her only resource.

In view of her dependence and the long and eminent services of her gallant husband, your committee report favorably on the accompanying bill, and ask that it do pass, amending the same by striking out the words "one hundred" and inserting in lieu thereof the words "seventy-five."

The amendment recommended by the committee was agreed to, and the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

NANCY POLOCK.

Mr. MOFFITT. I ask consideration of the bill (S. 2567) granting a pension to Nancy Pollock.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Pollock, widow of W. A. Pollock, late of Company C, First Nebraska Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 2567) granting a pension to Nancy Pollock, submit the following report:

The report of the Committee on Pensions in the Senate sets forth fully the facts in this case and is herewith adopted, and the passage of the bill recommended.

SENATE REPORT.

William A. Pollock, the late soldier, was a second lieutenant in Company C, First Nebraska Volunteer Infantry, from April 30, 1863, to October 3, 1865. He was pensioned at the rate of \$6 per month from October 4, 1865, to March 30, 1882, the date of his death, on account of rheumatism contracted in the service. Application of Nancy Pollock, widow of said soldier, was filed August 23, 1882, and rejected August 30, 1885, on the ground that the soldier's fatal disease of kidneys was not a result of the rheumatism for which he was pensioned.

The records of the War Department show that the above-mentioned soldier contracted rheumatism in the service, and the evidence in the case shows that the said disability continued to the time of his death. He also had varicose veins of right leg, said to have resulted from rheumatism.

In her affidavit, filed May 5, 1885, claimant states that it is impossible for her to furnish medical evidence showing the pathological connection between the rheumatism for which her late husband was pensioned and the chronic diarrhea from which he died, because he never allowed physicians to attend him, and he was attended by no doctor during his last sickness. In affidavit filed June 18, 1885, claimant states that two years prior to soldier's death he suffered from dropsy in his back and right leg, and affection of the kidneys, causing swelling of his hands, arms, and lower extremities; that his heart was also affected as a result of rheumatism.

In affidavit filed April 23, 1883, Moses M. Conner, of Brownville, Nebr., testifies that he waited on the late soldier for eight days next preceding his death, and is satisfied that he died from dropsy, a result of rheumatism.

In affidavit filed April 23, 1883, Dr. Charles F. Stewart, of Brownville, Nebr., testifies that he has been a practicing physician for twenty years; that he was called to see the late soldier about fifteen hours before his death, which was caused from dropsy; that he found upon examination a large ulcer upon right leg, which he supposed to be a varicose vein; that he was informed by soldier's family that no physician had been employed in the case.

In a letter filed May 19, 1885, Dr. Stewart states that he found the soldier in a dying condition when he arrived at his bedside, and consequently made but a casual examination of him; that having never seen the soldier professionally before, it is impossible for him to say what pathological connection there might have existed between his rheumatism and dropsy.

In affidavit filed December 21, 1885, Dr. Alfred Crane, of Brownville, Nebr., testifies that claimant suffered two years prior to his death from a kidney complaint caused by a varicose ulcer, chronic diarrhea, and rheumatism.

In an affidavit filed September 27, 1887, Paul H. Douglas, of Brownville, Nebr., testifies that soldier's former wife died September 3, 1854, and his testimony is corroborated by Moses M. Conner, of Brownville, Nebr.

The marriage of claimant to soldier is certified to be a transcript from the record of Scott County, Illinois.

There are now minor children surviving the late soldier.

John M. Thayer, governor of Nebraska; Thomas J. Majors, state senator; Wilson E. Majors; J. H. Bradley, district judge; F. E. Johnson; S. M. Rich, mayor of Brownville; R. T. Rainey, postmaster; Theodore Hill, and others, in a petition dated February 3, 1888, state that the soldier died March 30, 1882, from the effects

of chronic diarrhea and muscular rheumatism, contracted in the service, and that his widow, Mrs. Nancy Pollock, is now in very indigent circumstances.

The facts in the case warrant favorable action, and your committee therefore report a bill and recommend the passage of the same.

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

EASTER A. JACKSON.

Mr. MORRILL. I ask consideration of the bill (S. 3241) granting a pension to Easter A. Jackson. The report is quite lengthy, and I ask unanimous consent that the reading of the report be dispensed with.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the general pension laws, the name of Easter A. Jackson, widow of Moses H. Jackson, Company D, First Tennessee Mounted Infantry.

There was no objection, and the reading of the report was dispensed with.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3241) granting a pension to Easter A. Jackson, having had the same under consideration, submit the following report:

The report of the Senate Committee on Pensions is herewith adopted, and the passage of the bill recommended.

[Senate Report No. 1832, Fiftyeth Congress, first session.]

This bill proposes to place upon the pension-roll the name of Easter A. Jackson, widow of Moses H. Jackson, deceased.

Moses H. Jackson enlisted August 20, 1863, in Company D, First Regiment Tennessee Mounted Infantry, and was discharged April 25, 1865.

On June 29, 1889, he made application for a pension, alleging in his declaration "that whilst in line of duty near Celina, Tenn., about the middle of August, 1864, he was badly injured in right knee and leg, also in back and hips, by his horse falling with him while on a scout near Celina, Tenn."

Before this claim was adjudicated by the Commissioner of Pensions the soldier died, and his widow, the claimant, made application for pension, which application the Commissioner, under date of October 14, 1887, rejected "on the ground that the special examinations fail to show that the fatal disease was due to the soldier's military service in line of duty."

Prior to the death of the soldier he had submitted, in support of his claim, the affidavit of James Beatty, a comrade, who swears to origin and continuance of the disabilities as alleged by the soldier. This is fully corroborated by the affidavit of Comrade F. M. Smith.

The presence of these comrades is verified by the records of the War Department, and their credibility established by the reports of the postmasters at their respective places. Lieut. W. J. Nornd, in answer to an official letter from the Commissioner of Pensions, says:

"I can say to you that I recollect Sergt. Moses H. Jackson being crippled in the Army, and in the hospital at Granville, Tenn., at the time you say he charges; but I was not with him on the scout when he got hurt."

Lemuel C. Wright, late first lieutenant of Company D, First Tennessee Mounted Infantry, in response to an office letter, says:

"I was present at one time about the middle of August, 1864, when Moses H. Jackson's horse threw him near Celina, Tenn. Myself with Jackson and others were in close pursuit of and shooting at some rebel guerrillas, and in crossing a fence his horse fell and threw him off; I saw him get up, and with some help got on his horse; he complained very much at the time, and appeared to be badly hurt; Jackson was confined from duty for some time by said injury; remained in camp at Granville, Tenn.; he may have been treated by the surgeon; I do not remember, to be certain about that; but the circumstance of the horse falling with him I remember well, and know he was hurt. Jackson was a brave, daring soldier, honest and obedient. He went West soon after the war. I have not seen him since soon after his discharge."

Dr. C. R. Prewitt swears to an acquaintance of nineteen or twenty years, and that in November, 1865, he was called to see him, and found him suffering with his right knee, which was very much swollen and very tender and painful, with an ulcer on the inside, and seemed when probed to run up and under the patella. He was also suffering with partial paralysis of the hips and spinal column. His knee got some better, the ulcer healed before he left Kentucky in the year 1871, but the paralyzed condition of his hips and spinal column grew gradually worse, or at least there was no improvement up to the time he left. He was not really able to perform any manual labor, for whenever he went to the field to work his wife always had to go with him to take care of him, for he would frequently fall in the field and be unable to rise for hours at a time. Visited him twice a week from November, 1865, to March, 1871.

Abundance of evidence is presented showing condition and continuance from 1871 to date of death. It is also shown that the mind of the soldier gave way, and that he was committed to the hospital for the insane at Osawatimie, Kans., June 15, 1881, and that he died in that institution on the 21st day of November, 1881.

As before stated, the claim was rejected, and the widow appealed the case to the honorable Secretary of the Interior, who affirmed the action of the Commissioner of Pensions in rejecting the claim, saying "there is no due proof of the alleged casual connection." It is proper to add that the claim was also examined by special examiners in the field. Mr. George B. Fleming, special examiner, gives the opinion that the claim is of "doubtful merit," and recommends further examination. Wray Beattie recommends rejection.

The testimony taken by Mr. Beattie is rather of a negative character, none of them testifying with any degree of positiveness that the disability was not incurred as alleged. They all remember the soldier well; that he was a stout, able-bodied man at enlistment, and that they have no recollection of his incurring any injury or disability. This is more than offset by the plain, positive, and direct testimony presented by the claimant.

The prior soundness of the soldier is well established; his condition at discharge is shown; his gradual failure of health and constitution presented beyond doubt or question; and from the examination of the case given by your committee, we submit that there is a sequence between paralysis of the spinal column and the lower limbs and the insanity which caused the death of the soldier, and recommend the passage of the bill.

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

PHILLIPE RAY.

Mr. O'NEILL, of Pennsylvania. I call up the bill (S. 1614) granting a pension to Phillipe Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Phillipe Ray, late of Company B, First New Jersey Cavalry, in the war of the rebellion.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 1614) granting a pension to Phillipe Ray, have considered the same and adopt and submit the Senate report, which is as follows:

Phillipe Ray, the claimant, was enrolled and mustered on the 20th day of August, 1861, as sergeant of Company E, First New Jersey Cavalry; was early in 1862 reduced to the ranks and transferred to Company B, where he was made a corporal; was captured by the enemy at Harrisonburgh, Va., June 6, 1862, and is borne as a prisoner upon the regimental rolls for May, June, July, and August of that year. At a date not of record he was returned as a paroled prisoner to Camp Parole, Annapolis, Md., and thence transferred to a Washington hospital September 22, 1862. He rejoined his regiment, re-enlisted at the expiration of his term of service, and was discharged as corporal Company B July 24, 1865. A pension is claimed for disabilities originating in exposure while a prisoner at Belle Isle and Lynchburgh, Va. His application was filed originally in 1869, and relinquished by his attorney in 1871, with the avowal that the evidence required by the Commissioner of Pensions could not be furnished. The case was afterward reopened upon the personal application of the claimant, and on June 17, 1887, was finally disposed of adversely by the Assistant Secretary of the Interior, who said in his letter dismissing it that the claimant was no doubt a good soldier, and may have contracted the disability in the service, but that he had failed signally to prove it by the scanty evidence adduced.

The evidence submitted to the committee consists of a certificate of ex-Surgeon Ruellet, of the First New Jersey Cavalry, and an affidavit of M. Hutchinson, as to the sound health of the claimant at enrollment, and affidavits of Mrs. E. Beech and Mrs. C. Hornby, that he was suffering in 1873 from kidney disease, which he said was contracted while in the United States service. The medical examiners to whom his case was committed reported his disability from diabetes at one-fourth of total, and permanent, and that in their belief it originated in the service in line of his duty. Ray himself testifies that it had its origin in a severe cold contracted on account of want of shelter while a prisoner, and that his health improved after his return to his regiment, but that during "Burnside's mud march," in January, 1863, he suffered a relapse, since which this disease has been continuous. He accounts for the impossibility of securing favorable testimony from his comrades by stating that he was desirous of promotion which would have been difficult if his physical condition was known.

Your committee, in consideration of the long service of this soldier, his disabled condition, and the possibility and fair probability that his statement is true, report back his petition with the accompanying bill and recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES E. SCOTT.

Mr. PETERS. I call up the bill (H. R. 4887) granting a pension to Charles E. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be hereby directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Scott, late a private in Company G, Twenty-third Illinois Infantry Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4887) granting a pension to Charles E. Scott, submit the following report:

The soldier was a corporal in Company G, Twenty-third Illinois Volunteers. In his application for pension he alleges that he contracted camp itch near Richmond, Va., about July 1, 1865, which resulted in loss of eyesight. The origin of disability is clearly proven by the affidavits of Lieut. Horace J. Mack, and by a comrade, J. S. Collier, and its existence and continuance by abundant lay testimony. The claim was rejected on the ground of claimant's inability to furnish satisfactory evidence that his loss of sight was the result of the disability contracted in the service.

It appears from the evidence that the soldier was a great sufferer from the disease contracted in the service, and was continuously treated for the same until the year 1871, when he became totally blind and remained so for about three years, when his sight was partially restored. The medical referee of the Pension Office decides that the loss of sight could not be accepted as the result of the disease contracted, but says that if it was scorbute and not camp itch with which the soldier was afflicted in the service that it might be admitted. Dr. E. Williams, who treated him in 1872 and 1873, and who is also a medical examiner of the Pension Bureau, describes his case fully and says: "I can not feel justified that it was the result of exposure or hardships of army service."

The examining board at Wellington, Kans., reported August 31 describing his condition, and added: "Do not find any indication of venereal disease; probable cause of impaired sight retinal hemorrhage." They rate him at total second grade.

Your committee are unable to decide positively that the disease contracted in the service was the cause of the impaired vision, and even the medical authorities are in doubt about it. They seem unwilling to say that it might not have been, while they declare their inability to accept it as a positive result. The claimant is helpless and destitute.

Your committee, after a careful examination of all the evidence, recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JEMIMA STERLING.

Mr. POST. I call up the bill (H. R. 4648) granting a pension to Jemima Sterling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jemima Sterling, mother of James Goldsmith, deceased, late of Company I, One hundred and third Illinois Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4648) granting a pension to Jemima Sterling, have had the same under consideration, and beg leave to submit the following report:

The proposed beneficiary is the mother of James Goldsmith, who was killed in battle near Kenesaw Mountain, June 15, 1864, while serving as private of Company I, One hundred and third Regiment Illinois Volunteers. Her claim for pension has been rejected on the ground that the soldier left surviving him a widow and minor child. The widow remarried August 11, 1864, and the minor drew pension during pensionable minority. There is, therefore, no one now

drawing pension or entitled to draw pension on account of the death of the aforesaid soldier.

Because of the debarment of the mother from the benefits of the general pension laws, for the reason above stated, the Pension Bureau deemed it unnecessary to call for the requisite evidence as to dependence past and present. But sufficient testimony has been filed showing that the mother was dependent upon the son prior to and at date of his death because of her husband's physical condition, he being totally blind, and that her condition has not since improved.

Being now seventy-four years of age, she is unable to gain a subsistence by her own efforts, and consequently dependent upon others for support.

Congress having always liberally responded to the calls for relief of this unfortunate class, and being fully impressed with the merits of the case under consideration, your committee return the accompanying bill, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELI J. YANGHEIM.

Mr. RYAN. I call up the bill (H. R. 2236) granting a pension to Eli J. Yangheim.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eli J. Yangheim, late of Company A, Sixth Regiment of Kansas Cavalry.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2236) granting a pension to Eli J. Yangheim, submit the following report: The claimant in this case enlisted August 1, 1861, in Company A, Sixth Kansas Cavalry, and was discharged November 15, 1864. He filed his declaration for pension April 5, 1875, alleging that he was struck by a spent ball on the left ankle, causing lameness. Jacob A. Heany, Jacob H. Bartles, and Alfred N. Jerrold all testify to the incurrence of the injury. There is abundant evidence to show that it continued to the present time. The examining surgeon at Emporia reported July 27, 1875, and January 9, 1878, that he found him totally disabled. Examining board at Emporia, March 7, 1883, make the same report. On the other hand it is shown that the soldier had suffered from a fever-sore on the same leg prior to enlistment. The fact still remains that the man was sufficiently strong and able-bodied to be accepted in the service; that he served his country faithfully for three years and two months; that he received an injury from which he has suffered ever since, and that now he is disabled.

It is highly probable that if he had never suffered prior to enlistment from the fever-sore of the leg, or that some comrade who was perfectly sound had received the same injury, that no serious result would have followed from it. It is equally probable that if the soldier had not received the injury in the service that he might have gone through life comparatively well. It seems to your committee hardly honorable for the United States Government, after accepting this man in the service and receiving the benefit of his service for over three years, during which time he was frequently exposed to the dangers of the battle-field and suffered all the hardships and privations of army life, to plead now that he was not sound before enlistment, and therefore not entitled to a pension.

Your committee therefore recommend the passage of this bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SYLVESTER STEARNS.

Mr. SENEY. I desire to call up the bill (H. R. 7516) to increase the pension of Sylvester Stearns. This bill passed the House several sessions ago. The claimant is upon the roll at \$36 a month, and the bill before the House was for the purpose of raising the pension from \$36 to \$50 a month. The report of the House committee was made under the impression that the claimant was then a pensioner at \$24 a month, and the amount in the original bill was changed from \$50 to \$36 a month. Subsequently it was ascertained that the claimant was already on the pension-roll at \$36 a month, and the Senate amended the House bill so as to change the sum from \$36 to \$50, and the matter is now before the House upon the amendment of the Senate.

The CHAIRMAN. Is the bill which the gentleman calls up a Senate bill?

Mr. SENEY. It is a Senate amendment to the House bill, and I suppose the proper motion is to concur in the Senate amendment.

The CHAIRMAN. The Chair is informed that the bill is not upon the Calendar, and perhaps it had better be passed over temporarily.

Mr. SENEY. Well, I desire that it shall be acted upon without further delay, because it was acted upon by the Senate two or three weeks ago.

Mr. MORRILL. I suggest to the gentleman from Ohio [Mr. SENEY] that the proper time to take up that bill will be after the committee rises and we go into the House. The Committee of the Whole can not act upon a matter of that kind.

Mr. SENEY. What is the difficulty in the way of the Committee of the Whole acting upon the Senate amendment to the House bill?

Mr. MORRILL. The House acts upon Senate amendments without any action of the Committee of the Whole. Such action is quite unnecessary.

The CHAIRMAN. Upon the suggestion made by the gentleman from Kansas [Mr. MORRILL], the opinion of the present occupant of the chair is that a question of that kind does not properly come into Committee of the Whole, but must be acted upon by the House. If the House concurs in the Senate amendment, then there is nothing for the committee to do.

Mr. SENEY. Well, I do not care how we get at it, but I do not wish to lose my opportunity to call up the bill.

The CHAIRMAN. The Clerk informs the Chair that the bill called up by the gentleman from Ohio came back from the Senate with an

amendment, that the bill and amendment were referred to the Committee on Invalid Pensions, and that the bill has not yet been reported back from the committee, so that it is not upon the Private Calendar, nor is it, at the present time, within reach of the House. At any rate it can not be disposed of at this time.

Mr. SENEY. I did not suppose that an amendment of the Senate would have to be referred to the Pension Committee of the House.

The CHAIRMAN. That depends entirely upon the action which was taken in the House at the time. Whatever that action was, the Committee of the Whole can not interfere with it, and as a matter of fact the Clerk informs the Chair that the bill and amendment were so referred.

Mr. SENEY. I can hardly think that any action has been taken by the House in this case since the Senate amended the House bill. I do not know who would call up the bill except myself.

The CHAIRMAN. The Chair is informed by the Clerk that when the bill was returned from the Senate with amendments, it was formally laid before the House and was referred, with the amendments, to the Committee on Invalid Pensions, from which it has not yet been reported back to the House.

Mr. SENEY. Well, so that I do not lose my right to call it up for consideration when we get into the House, I shall be content.

The CHAIRMAN. The Chair is of opinion, in accordance with the suggestion of the gentleman from Kansas [Mr. MORRILL], that the bill can not be acted upon in Committee of the Whole this evening.

Mr. SENEY. But I do not understand that I am to lose my right to have the bill considered.

The CHAIRMAN. No; but the bill is not in Committee of the Whole.

MARTHA J. COLE.

Mr. SMITH, of Wisconsin. I call up the bill (S. 3230) granting a pension to Martha J. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Cole, mother of Robert E. Horner, late a second lieutenant in the Twenty-seventh Regiment Wisconsin Volunteers.

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

From a careful consideration of the facts set forth in the Senate report in this case, which is made a part of this report, the committee believe that this is a meritorious case and comes within the line of precedents heretofore adopted by this committee and recognized by this House, and they therefore recommend that the bill do pass.

SENATE REPORT.

This is a bill to pension Martha J. Cole, mother of Robert Horner, late second lieutenant of Company G, Twenty-seventh Regiment Wisconsin Volunteers.

The claimant was pensioned as dependent mother of Robert Horner and drew her pension until her remarriage. She applied to the Pension Office to be restored after the death of her second husband, but her application could not be allowed by law, which provides that pension shall cease at the date of remarriage of the pensioner.

The only question before the committee is whether or not this is a proper case to be relieved by special enactment. The widow is now nearly seventy years old; she is poor, and disabled by age and other infirmities from making any exertion for her support. Two of her sons were in the service and both died from diseases contracted in the line of duty. Thus she is left without means of support and with the alternative of starvation or the almshouse. The committee does not think that the mother of two soldiers whose lives were sacrificed in Army service and who has seen much better days should become an object of charity so long as the Government has the right to extend to her the small relief she requires.

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

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

LEOPOLD MAYER.

Mr. STONE, of Kentucky. I ask the consideration of the bill (S. 619) granting an increase of pension to Leopold Mayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Leopold Mayer, late captain of Company C, Twelfth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of \$25 per month, in lieu of the pension he is now receiving.

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

The Committee on Invalid Pensions, to whom was referred Senate bill 619, beg leave to report, adopting the report of the Senate, and in consideration of the facts of the case recommend that said bill do pass.

[Senate Report No. 370, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 619) granting an increase of pension to Leopold Mayer, have examined the same, and report: Claimant was mustered into the service of the United States as first lieutenant Company C, Twelfth Pennsylvania Volunteer Cavalry, to date February 3, 1862, and was mustered out and honorably discharged March 25, 1865; was a prisoner of war from June 15, 1863, till and after May 7, 1864.

The applicant was granted a pension of \$4.25 per month, commencing March 26, 1865, on account of rheumatism. Application for increase of pension was rejected on medical grounds July 3, 1886. In his application for increase of pension, filed December 14, 1885, he claims that he is entitled to a higher rating on the ground that for months at a time he is rendered wholly unable to do any manual labor on account of said disability, and this has been his condition each year since the date of his discharge from the service.

Dr. Emil Fischer testifies that he treated claimant from 1864 to 1866 for mus-

cular rheumatism of the right arm and shoulder, so aggravated as to disable him for work. Dr. H. B. Livermore testifies that treatment for rheumatism from 1864 to 1887. Dr. Maunheimer testifies that claimant was under his treatment for rheumatism from 1873 to 1880, and during that time was unable to perform any physical work. Dr. A. S. Munsell testifies that claimant was under his treatment for chronic rheumatism in 1878, and was a great sufferer from said cause in 1880. Dr. Justin Hayes testifies that he treated claimant for rheumatism in 1880.

The board of surgeons at Chicago, Ill., state that the testimony of claimant's physicians is entitled to the fullest consideration.

From all the facts in the case your committee are satisfied that claimant is entitled to a higher rate of pension than he is now receiving, and therefore recommend the passage of the bill.

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

JONATHAN C. HARRISON.

Mr. JOSEPH D. TAYLOR. I call up the bill (H. R. 7887) granting an increase of pension to Jonathan C. Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of \$36 per month, the name of Jonathan C. Harrison, late a private in Company B, Fifty-second Ohio Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Jonathan C. Harrison enlisted in Company B, Fifty-second Ohio Volunteers, August 4, 1862, and served in said regiment until his discharge, by reason of wound in right arm, on the 31st day of August, 1864. His discharge states that he was wounded at Resaca, Ga., in the right arm, requiring amputation. The United States surgeon attaches to the discharge a certificate in which are found these words: "Find him incapable of performing the duties of a soldier because of amputation of the right arm below the elbow on account of gunshot wound. Disability total." The United States examining surgeon certifies "that the amputation was performed through right arm just below the elbow."

Dr. C. W. Clancey and Dr. J. B. Conaway, of Smithfield, Ohio, certify that the arm is amputated so near the elbow as to render the stump entirely useless, and that it is so short as to prevent soldier from wearing an artificial limb. Claimant is now drawing a pension of \$30 per month, and he asks for an increase of \$6 per month, or the same pension that is allowed to soldiers who have an arm amputated at or above the elbow. When the law passed giving soldiers who had a limb amputated below the elbow or knee \$24 per month, claimant had an increase allowed him of \$6 per month by a special act of Congress on March 3, 1885. He now asks that his pension be increased to \$36 per month, and your committee are of the opinion that the claim is a meritorious one and recommend that the bill do pass, as his disability is fully equal to an amputation at or above the elbow, as is clearly shown, not only by the evidence, but by a photograph found among the papers.

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

WILLIAM E. PRINCE.

Mr. TURNER, of Kansas. I call up the bill (H. R. 3608) to grant an increase of pension to William E. Prince.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and hereby directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William E. Prince, late a private of Company I, Twenty-third Regiment of Missouri Volunteer Infantry, at the rate of \$50 per month, in lieu of the pension he is now receiving.

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

The claimant in this case is now receiving a pension of \$30 per month for disease of the heart, totally incapacitating him from performing any manual labor. This is the highest rate that can be granted by the Pension Office until it is shown that he requires the constant aid and attendance of another person, there being no intermediate rating between \$30 and \$50 for cases of this character. The evidence is very clear that much of the time he requires the constant attention of another. Your committee feel that an increase ought to be granted, and therefore recommend the passage of the bill with an amendment, striking out "fifty" and inserting "forty-five."

The amendment reported by the committee to strike out "fifty" and insert "forty-five" was agreed to.

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

MRS. CAROLINE TAYLOR.

Mr. VANDEVER. I ask the consideration of the bill (S. 3175) granting a pension to Mrs. Caroline Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Caroline Taylor, of Logansport, Ind., widow Dr. J. A. Taylor, a volunteer assistant surgeon to the Indiana troops engaged South in the year 1863 in the war of the rebellion.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 3175) granting a pension to Mrs. Caroline Taylor, have examined the papers on file, adopt the report of the Senate hereto attached as the report of this committee, and recommend the passage of the bill.

[Senate Report No. 1709, Fiftyth Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting a pension to Mrs. Caroline Taylor, of Logansport, Ind., have examined the same, and report:

That the applicant is the widow of Dr. James A. Taylor, who died in Logansport, Ind., in October, 1867. The husband was never mustered into the service of the United States, and was never commissioned or appointed to any position in said service; yet as a surgeon he did active and efficient service to the sick and wounded soldiers who were in the Army in the war of 1861.

The facts in the case, from the sworn testimony before the committee, are as follows: In January, 1863, Governor Morton, of Indiana, by telegram, called upon eighteen or twenty physicians and surgeons from different parts of the State to go immediately upon temporary duty as such to the Indiana troops then South. Among the number thus summoned was Dr. James A. Taylor, the husband of the applicant, then in perfect health, engaged in a large professional

practice at home, and known as one of the most skillful and careful men in his calling. Dr. Taylor accepted this sudden call by the governor, received a passport to go South, and left his home immediately upon this mission. A copy of the passport, signed by Governor Morton in person, dated January 6, 1863, is now among the proofs filed.

He went south to Vicksburg, to Memphis, and to other points, and upon the transports and vessels spent four weeks in attendance upon the sick and in treating and amputating the wounded. The labor was very severe, owing to the then scarcity of surgical and medical aid. It is shown that he slept during his absence only about four hours in twenty-four; that on one occasion he worked without sleep or rest forty-eight hours continuously. The particulars of his service, its character and efficiency, are proven by the testimony of Dr. John B. Shultz and John G. Meek, and Dr. Asa Coleman, who was one of the party of physicians and surgeons responding to the call of the governor, and who was personally acquainted with Dr. Taylor, testifies that he knew of his service and that he was in command of the volunteer medical corps which went on that occasion to render aid to the Indiana troops.

It appears further from the testimony of his friends and neighbors that Dr. Taylor returned from the expedition much broken in health. He complained of shortness of breath, difficulty of breathing, disturbed action of the heart, and though yet able to do somewhat, was wholly unable thereafter to resume the labors of his former practice. The condition of his health did not improve. About a year after his return from the South he sold out his practice and retired. In 1864, as appears from the testimony of witness Meek and others, he was subjected to very frequent attacks of smothering spells. These compelled him to quit any business he might be engaged in, to spend most of his time on the bed or lounge in a prostrate position. He lost flesh, became pale and emaciated. He had never before his service suffered from any such complaint.

This condition of ill-health continued until the time of his death. He died in one of these smothering spells of what the physicians in attendance during his last illness describe as paralysis of the heart, the first and continuous symptoms of which appear to have sprung from the excessive work, privation, and exposure in his service under the call of the governor aforesaid.

The applicant, his widow, formerly in fair circumstances, is now in reduced circumstances. She was married to the deceased March 19, 1846, and lived with him a faithful wife until his death. She is now advanced in years. She has now no means, money, nor property, nor the expectation thereof. She has no way of subsistence except her own labor, barely sufficient to that end.

The committee believe this to be a meritorious case, and accordingly recommend the passage of the bill herewith reported.

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

ORDER OF BUSINESS.

Mr. WHEELER. I would like to call up, if there be no objection, the bill for the relief of Mrs. General Ward B. Burnett. I desire to know whether the gentleman from Indiana [Mr. CHEADLE] will make objection.

Mr. CHEADLE. I have stated so often my position with reference to bills of this character that I should suppose every gentleman would understand me by this time. At any rate the bill to which the gentleman refers is in the House, not in Committee of the Whole, and could not be considered now.

SARAH E. McNAMARA.

Mr. WHEELER. I will call up, then, the bill (S. 2593) granting a pension to Sarah E. McNamara.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah E. McNamara, widow of the late John McNamara, D. D., late a chaplain of the Wisconsin Volunteers.

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

The report of the Senate Committee on Pensions is adopted and the passage of the bill recommended.

SENATE REPORT.

Claimant is the widow of John McNamara, who was mustered into the service of the United States as chaplain First Regiment Wisconsin Volunteer Infantry, October 8, 1861, and was mustered out of the service October 13, 1864.

The records of the War Department show that he contracted erysipelas of the face and scalp in the service, by reason of which he was granted a leave of absence for twenty days, as a change of climate was thought by the surgeon to be necessary to save his life.

The claim was rejected March 1, 1888, on the ground that the soldier's fatal disease, paralysis, was not a result of the erysipelas of army origin, nor of any other cause shown to be due to his military service.

In her application filed April 13, 1886, claimant states that her late husband died of disease contracted in the service of the United States; that at the battle of Stone River, March 30, 1863, he incurred paralysis, which affected him every year since the date of his discharge from the service, and which finally terminated in his death.

In her affidavit filed November 29, 1886, claimant states that she was married to the late officer on or about November 18, 1852, and that she lived with him as his wife up to the time of his death, October 25, 1885; that previous to his enlistment into the service the said officer was physically sound and in good health; that he contracted erysipelas in the service, from which he never recovered, and that he was mentally and physically disabled for work by reason of said disability; that the disease seemed to have settled in his left eye, causing said eye to become much smaller than the right eye, and that the said disease grew worse all the time until her late husband became almost totally blind, about six months before his death; that she has good reason to believe that the said disability so weakened her late husband's constitution that the paralysis from which he died was superinduced by the erysipelas of army origin.

In affidavit filed November 29, 1886, George R. Bingham, colonel First Wisconsin Volunteer Infantry, testifies that the late officer contracted erysipelas of the face at Murfreesborough, Tenn., in December, 1863, and that the said disease affected his eyes to such an extent that he was compelled to wear colored glasses for a long time after his return from the hospital.

In affidavit filed November 29, 1886, Dr. Luther J. Abbott, of Fremont, Nebr., testifies that he was acquainted with claimant's husband for ten years prior to the time of his death; that he was physically feeble, and his nervous system much deranged on account of an attack of erysipelas of face, scalp, and eyes, which he had in the year 1875; that for a short time preceding his death the late officer had a shock of paralysis, followed by almost total blindness; that he consulted affiant about a week before his death, and always attributed his diseases to exposure during army life.

In affidavit filed November 29, 1886, Dr. N. F. Donaldson, of North Platte, Nebr., testifies that the late officer died from a stroke of paralysis on the right side of his body, October 24, 1885.

It is shown by medical testimony in the claim that the system of claimant's husband was broken down by erysipelas contracted in the service, in consequence of which he was physically unable to rally from a stroke of paralysis, which terminated fatally October 24, 1885.

The grounds of rejection stated by the Bureau of Pensions seem untenable when considered in connection with medical evidence to the effect that the late officer's nervous system was debilitated and greatly deranged by reason of erysipelas shown to be contracted in the service. The facts warrant favorable action, and your committee therefore recommend the passage of the bill.

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

BAKER SAINÉ.

Mr. YODER. I call up the bill (H. R. 2707) granting a pension to Baker Saine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Baker Saine, of Fort Seneca, Seneca County, Ohio, late a private in Company K, Forty-ninth Ohio Volunteer Infantry.

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

Baker Saine enlisted September 23, 1861, in Company B, Fifty-fifth Ohio Volunteer Infantry Regiment, and served until March 21, 1862, when he was discharged for disability. Re-enlisted February 22, 1864, in Company K, Forty-ninth Ohio Volunteer Infantry Regiment, and was discharged March 3, 1865, for disability. Filed his declaration for pension October 3, 1879. Alleges in declaration that at Nashville, Tenn., about the 15th of March, 1864, by reason of exposure in an open car, he contracted chronic bronchitis, chronic rheumatism, and that he sustained a further injury in December, 1864, at — street barracks, Cincinnati, Ohio, by a fall that he had received.

His claim was rejected by the Pension Office for the reason, as set forth in the record of the case, that the record shows that alleged bronchitis existed prior to his enlistment, and that he was unable to prove origin of the alleged injury that he had received in the service. The hospital record and the record in the Adjutant-General's Office, as well as his discharge, conclusively prove existence of the disease, rheumatism and bronchitis, as alleged, in the service, and there is no question as to its continuance since the service, as is shown conclusively by a number of affidavits on file by surgeons, and the only reason for its rejection is given in the certificate of disability for his discharge, where the surgeon alleges that the claimant had been subject to said disease during the winter for a few years prior to his service. But it does not state how or by what evidence he comes to this conclusion. In contradiction to this statement there is an affidavit on file by James A. Norton, a prominent and creditable citizen of his county, who testifies that claimant was sound and able-bodied, free from bronchitis and rheumatism, at and before he entered the service; that he saw claimant in hospital No. 8, Nashville, Tenn., suffering with erysipelas, in March and April, 1864, and inflammatory rheumatism.

Moses Abbot and Matthew T. Lents testify that they knew claimant from 1853 to 1861, prior to his service in the civil war, and that previous to said time his health was good and perfectly sound. C. P. Lee, M. D., testifies that claimant was sound prior to his enlistment in the service, 1861. A. B. Harvey testifies that during the latter part of June, 1864, claimant was home on a furlough, and that he treated him for inflammatory rheumatism at that time; that he was also suffering from chronic bronchitis. There is abundant evidence to prove the continuance of the disease alleged since the service. The examining surgeon, George L. Hodge, at Fostoria, Ohio, on July 15, 1861, states that he had examined claimant:

"That he had a hacking cough and expectation of thick yellow sputa: throat is red and irritable; has rheumatism in left shoulder and right knee. I find evidence of the injury that he alleged to have received in a fall while in the service at Cincinnati, and that these disabilities disqualify him in the performance of manual labor and entitle him to two-thirds grade or \$12 a month pension."

Your committee is informed by Hon. George E. Seine, who is personally acquainted with claimant, that he is helpless and in destitute circumstances, and that if it were not for an aged sister who provides for him he would have to go to the poor-house; that it will only be a question of a short time unless he is granted aid by this bill before he will have to depend upon public charity for his subsistence.

In view of the testimony of the creditable witnesses, who are men of high standing in the community where they live, who have testified to his prior soundness, your committee is clearly of the opinion that this aged and disabled soldier should not be deprived of a pension by reason of a statement made by an army surgeon, who had no possible means of knowing his condition prior to enlistment. And after a careful investigation of all the evidence on file, your committee has come to the conclusion that this is a meritorious case, and recommend the passage of the bill.

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

WILLIAM E. SPRINGSTEIN.

Mr. MORRILL. I desire to call up for the gentleman from New York [Mr. BACON], and upon his personal request, the bill (H. R. 10199) for the relief of William E. Springstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed to put on the pension-roll the name of William E. Springstein, of Company G, Fourteenth Regiment of Michigan Volunteers, at the rate of \$50 per month.

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

The claimant was a private in Company G, Fourteenth Regiment Michigan Volunteer Infantry. At the battle of Jonesborough, Ga., he received a wound from a shell fired by the enemy, which caused the loss of his left leg above the ankle (amputation lower third) and a wound in the lower third of his right leg. He is now pensioned at the rate of \$30 a month. His stump has never healed and, as testified by Dr. N. W. Welker, of Detroit, who has attended him for a long time, he is during long periods (once eight months) confined to his room by reason of its condition, not being able to wear his artificial leg or even his crutches. The same doctor describes a cicatrix (the result of the wound in his right leg) adherent to the muscles of the calf, causing pain and impairment of motion.

It appears that he is without one leg, lame in the other, and in constant pain from both. He is now receiving \$30 per month, as much as the Pension Office can grant unless he requires the constant aid of an attendant. He does not claim to be in so hard a condition as that, but that he is frequently incapacitated

from any labor, when his wounds are particularly painful, and that at all times he is a sufferer. He ought to be allowed \$45. The committee recommend that the word "fifty" be stricken from the sixth line and the words "forty-five" inserted in lieu thereof, and that the bill as thus amended pass.

The amendment reported by the committee to strike out in the sixth line the word "fifty" and insert "forty-five" was read and agreed to.

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

ORDER OF BUSINESS.

Mr. YODER. I promised the gentleman from Indiana [Mr. SHIVELY] to call up a bill for him; but when his name was called I was temporarily out of the House. I hope there will be no objection to permitting me now to call up his bill, as the call will no doubt reach all the gentlemen present this evening.

Mr. DINGLEY. The gentleman from Indiana [Mr. SHIVELY] has not been here this evening. Two of my colleagues, who are absent, desired me to call up bills for them, but I supposed it would not be permitted. If this request is to be granted in behalf of the gentleman from Indiana, who is absent, I would like to have the same privilege in behalf of my colleagues.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. YODER]?

Mr. CHEADLE. I object, unless the same privilege be extended to this side of the House. I have an earnest request from my colleague, General HOVEY, to call up a bill for him.

Mr. YODER. This very privilege has been granted only a few moments ago to my friend from Kansas [Mr. MORRILL].

Mr. MORRILL. That was an entirely different case. I called up a bill for the gentleman from New York [Mr. BACON], who has occupied the chair all the evening, and could not call up the bill for himself.

Mr. YODER. As there seems to be objection to the proposition, I withdraw it.

FLORIAN LISCHESKY.

Mr. BINGHAM. I call up the bill (H. R. 5918) restoring to the pension-roll the name of Florian Lischewsky. This bill is identical with a bill (S. 3083) which has already passed the Senate, but is not, I believe, on our Calendar. If this House bill be favorably acted upon by the Committee of the Whole, I shall ask in the House to substitute for it the Senate bill, identical in its terms.

The bill (H. R. 5918) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore the name of Florian Lischewsky, late a private in Company C, Twenty-ninth Regiment New York Volunteers, to the pension-roll, subject to the provisions and limitations of the pension laws.

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

That it appears the said Florian Lischewsky was a private in Company C, Twenty-ninth Regiment of New York Volunteers, having served therein from June 4, 1861, to June 20, 1863, having been discharged for expiration of his term of service; that while in said service and line of his duty in the summer of 1862, from excessive marching he contracted varicose veins of both legs, for which he was granted a pension by certificate No. 133444, May 8, 1875; that he drew his pension for about two years, when it was stopped and his name stricken from the rolls on the report of a special examiner of the Pension Bureau, on the ground, as alleged, that it was not shown that his varicose veins originated in the service; that your committee find that the evidence (which has not been impeached) filed by said soldier in his claim shows that his said disability did originate in said service and line of duty.

Following is a synopsis of the evidence filed by said soldier, both in his claim for the original pension and in his claim for restoration of his pension.

In the original claim for pension, Fritz Decker, second lieutenant of his company, testified that about the 1st of June, 1862, between Fairfax Court-House and Cross Keys, Virginia, the said Lischewsky, from continuous marching for several days in succession, carrying heavy accouterments, contracted varicose veins of his legs, which troubled him afterwards more or less while with the regiment, and existed at the time of his discharge, in June, 1863; that he well remembers him in the service, and that he got his varicose veins of legs as stated; that he knew him before he enlisted, and that he was then sound in his legs.

Dr. Theodore Roth testified that he prescribed for the said soldier off and on from the time of his discharge from the Army, in the summer of 1863, to the present time (March, 1874), for varicose veins of both legs below the knees, and he has been badly affected in his legs with varicose veins, which have disabled him for following his customary labor; that he enjoyed good health before and up to his enlistment; witness was then acquainted with him, and had he had the bad veins of legs then, believes he would have known it; that he was of good and temperate habits.

That in the claim for restoration Dr. George H. Kobler testified that he has been his physician for the past six years, and knows that he has suffered with varicose veins to such an extent as to disable him for doing any manual labor whatever.

Frank Nidel and Lewis Troutwein testified that they knew him from fifteen to seventeen years and ever since September 4, 1875 (the date to which his pension was last paid); have seen him about every day, and they know he has been afflicted with varicose or enlarged veins of his legs, which have disabled him for any kind of manual labor, etc.

William Grossman testified that he was a comrade in his company and regiment, and that from long and excessive marching in the summer of 1862 in said service he contracted varicose veins of his legs, and after the battle of Bull Run (the last of August, 1862) the major, having two horses, took him on one of them on account of his varicose veins. Witness saw his swelled veins in said service and knew him before he enlisted, and he had no swelled veins of legs then; and they were all stripped down and thoroughly examined before they were mustered into said service.

Birghardt Wallenhaupt testified that he and the said Lischewsky enlisted in said company and regiment at the same time, and they were all thoroughly examined and he was accepted in said service as a sound man and was then free from any swelled veins of his legs; that about the summer of 1862, before and after the battle of Bull Run, Virginia, from excessive marching day and night

he contracted varicose or swelled veins of his legs, and he complained afterwards of his weak and sore and swelled veins of his legs, and was not able to do duty all the time; witness and he slept together for some time in said service and he several times showed witness his legs of swelled veins below his knees, and he suffered with them at the time of his discharge in June, 1863.

The committee see no reason to discredit the testimony recited, and therefore believe that said invalid soldier should have his pension restored to him. We therefore report the bill favorably, and recommend its passage.

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

Mr. KILGORE. The call of the roll has been entirely gone through with during this evening and I think that is enough. I move, therefore, the committee rise. We have gone through the complete circle and everybody has had a whack.

Mr. DINGLEY. Let me make a suggestion to the House. I have been absent during the call of the roll and have not yet had the benefit of calling up a single bill. There is one Senate bill upon the Calendar which I would like to call up for consideration at this time, and I hope there will be no objection.

Mr. KILGORE. We can give unanimous consent for that purpose.

The CHAIRMAN. Is there objection?

There was no objection.

MARY O. HALL.

Mr. DINGLEY called up for consideration the bill (S. 889) granting a pension to Mary O. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary O. Hall, widow of Augustus J. Hall, late of Company D, Twelfth Maine Volunteers, on the pension-roll, subject to the limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (S. 889) granting a pension to Mary O. Hall, having considered the same, beg leave to incorporate the report of the Senate committee as a part of their own report, as follows:

"The soldier, Augustus J. Hall, enlisted November 1, 1861, in Company D, Twelfth Maine Volunteers, and was discharged December 7, 1864. At the time of his death, October 13, 1880, he was pensioned at the rate of \$3 a month, for gunshot wound of right arm, near the shoulder. The widow, Mary O. Hall, applied for pension, alleging that her husband died of blood poisoning and other complications arising from the said wound. The case was rejected by the Pension Office, on the ground that the soldier's death was 'in no way due to the gunshot wound.'

"After re-examining the case the medical referee vouchsafed the platitude: 'True pathology can not be divorced from common sense.' The case, on appeal to the Secretary of the Interior, was again rejected as a necessary consequence, since the Secretary did not go beyond the opinion of the medical referee, that the death causes, blood poisoning, heart disease, and dropsy, were not *sequelae* of the wound.

"The only evidence in the case that tends in any possible way to support this rejection is that of the examining surgeon, who examined soldier July 9, 1870. He states that the soldier appeared well, but complained of pain and inability to use the arm. At the next examination, August 9, 1879 the soldier's disability was rated at one-third, and the same rating was fixed on the third and last examination, August 28, 1880. All the rest of the mass of testimony in the case shows irrefutably that the soldier's death was the result of his wound, and blood poisoning is shown, by abundant medical evidence, to have existed continuously from his discharge to death.

"Dr. Silas P. Bartlett, who knew soldier well, testifies that at enlistment he was a 'sound, rugged, and well man,' but that in the spring of 1865 he treated him for abscess of the elbow-joint, with blood poison, and he treated him from that time until 1877.

"Dr. David S. Stevens says he has every reason to believe, from the appearance of said soldier and his symptoms, that he came to his death by gunshot wound in the shoulder and exposure while in the service.

"Dr. S. F. Crooker, who treated soldier for abscess and blood poisoning from 1880 until soldier's death, gives it as his opinion that soldier's heart disease was caused by blood poisoning, the dropsy by heart disease, and the dyspepsia by the dropsy, which resulted in the death of the patient by interfering with a proper arterialization of the blood.

"As stated above, the only evidence in the case is in favor of the claimant, and your committee do not deem it necessary to cumulate the proof. The only possible conclusion that could be reached after an unprejudiced examination of all this proof is that the case is perfectly meritorious, and that it is sufficiently established from a technical stand-point is just as apparent."

In addition to the above your committee have made a careful examination of the papers on file in the Pension Office, which seem to fully justify the granting of a pension notwithstanding the technical professional opinion of the medical referee. It is doubtless a fact that "true pathology can not be divorced from common sense," but the history of medicine abundantly proves that it is not always easy to distinguish true from false pathology. The equity is so clearly with the widow in this case that your committee report the bill back favorably and recommend its passage.

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

Mr. KILGORE moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MORRILL having taken the chair as Speaker *pro tempore*, Mr. YODER reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report back sundry bills with various recommendations.

JOHN N. BOVEE.

The SPEAKER *pro tempore*. The Clerk will read the titles of the bills which have been reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation.

Mr. LYMAN. The Speaker *pro tempore* stated at the beginning of the proceedings that the bill (S. 3018) granting an increase of pension to John N. Bovee came up the first thing in order as unfinished business.

Mr. KILGORE. That is a bill which was under consideration on a former occasion. I wish to say, although I will not make any fight on it, that my impression is it would go out on a point of order.

The SPEAKER *pro tempore*. What is the point of order?

Mr. KILGORE. It was called up on a previous occasion on Friday, September 18, during the evening session, and a vote was taken on it. The majority of those who voted was against the passage of the bill. The vote was announced, so many votes for and so many against the bill. No motion to reconsider was made, and therefore it will stand upon the record as having been beaten.

But that is not all. I have the RECORD containing a report of what occurred on that occasion. It shows that the gentleman himself said he would like to have the matter stand over, and the Speaker announced it would go over as unfinished business.

Mr. MORRILL. By unanimous consent.

Mr. KILGORE. Not by unanimous consent, but that it would go over as unfinished business. I have the RECORD here. My theory is that the Speaker *pro tempore* having announced the vote, so many for and so many against, and the majority being against the bill, it was beaten up to that time. The only way to avoid that was to make the motion to reconsider, but that must be made within two days under the rules, and it has not been done.

The SPEAKER *pro tempore*. The Chair is of the opinion that when the Speaker *pro tempore* announced the bill would go over as unfinished business, which could only be done by unanimous consent, no one having objected, it was taken that unanimous consent was given to its going over as unfinished business.

Mr. KILGORE. The RECORD shows the vote was against it, and the announcement of the Speaker *pro tempore* could not control that result. I have the RECORD before me, and I will read just what did occur:

JOHN N. BOVEE.

The SPEAKER *pro tempore*. The next bill for consideration is the bill (S. 3018) granting an increase of pension to John N. Bovee, and the question is on the third reading of the bill.

The question was put, and the Speaker *pro tempore* announced that the "noes" seemed to have it.

Mr. TRACEY. I demand a division.

The House divided; and there were—ayes 8, noes 14.

Mr. LYMAN. I called up that bill at the request of a Senator. It is a Senate bill and one I know nothing about; but if it can be passed over without being rejected until I can see the gentleman who asked me to call the bill up, I would be glad.

The SPEAKER *pro tempore*. It will go over as unfinished business. The hour of half past 10 o'clock having arrived, the House, according to order, will stand adjourned.

I say it was not in the power of the Speaker *pro tempore* to announce under that state of facts the bill went over as unfinished business. I submit the point, however, to the Chair.

The SPEAKER *pro tempore*. The Chair is of the opinion that the then occupant of the chair having announced it went over as unfinished business, and having made that announcement before the vote was declared, and that having been accepted as by unanimous consent, it stands over as the unfinished business.

Mr. KILGORE. He announced the result of the vote before saying it went over as unfinished business. The vote was announced when it was suggested by my friend from Iowa that it should be passed over, and by unanimous consent that was done. I submit the point to the Chair.

The SPEAKER *pro tempore*. The gentleman who occupied the chair at the beginning of this evening session held that this bill came over as unfinished business.

Mr. LYMAN. Mr. Speaker, before the vote is taken on this question I desire to state that I conceive that very great injustice, unintentional so far as any member of this House is concerned, has been done to the claimant. There was read at the time this bill was up for consideration what purported to be a letter from one John Jones, I believe; not a written letter, but a printed circular, which was, I understand, placed upon the desks of some members. I do not wish to take up the time of the House to have a communication under oath, which is intended at least to clear up this implied injustice to the claimant, read, but I ask to have it printed in the RECORD as a part of my remarks, and as all I desire to say on the subject.

The SPEAKER *pro tempore*. That will be done, in the absence of objection.

The communication referred to by Mr. LYMAN is as follows:

WASHINGTON, D. C., September 10, 1888.

DEAR SIR: The letter written to the Hon. C. B. KILGORE by one "J. Jones, an old soldier, (?) is full of falsehoods and misstatements, not to say maliciousness. It is as follows:

"DEAR SIR: I see that a favorable report has been made by the Committee on Pensions to increase the pension of John N. Bovee. (See Senate bill No. 3018, and House report No. 332.)

"Mr. Bovee already receives a liberal pension (\$30 per month). He now receives, and has been for years, a salary of \$1,600 per annum in the War Records Office, War Department, runs a Turkish bath (in his wife's name) on G street near Fifteenth, and owns valuable real estate at Washington Grove, Takoma Park, etc. Do you think this man, who has been drawing a salary (in addition to his present liberal pension) from the Government since the close of the war, ought to have his pension increased, while hundreds of worthy indigent soldiers are suffering?

"Dr. O'Reilly, in his report, says: * * * 'From appearances, etc., it is evi-

dent * * * and affiant presumes that superficial ulceration occurs, etc., in hot weather.' The doctor is not positive in this case.

"Dr. D. W. Bliss, one of his most intimate friends, says: * * * 'which renders the use of an artificial limb of little value, as the stump will not bear the friction of its presence.'

"The facts are these: The only times that he has been known to cast aside his artificial limb were while working in the Government Printing Office. If a fur-lough or reduction of force was spoken of he found it expedient to resume the crutch until the scare passed over. Also during the twelve years he has been in his present position the same tactics have been resorted to with success.

"He now receives from the Government \$1,960 yearly as salary and pension; also every five years the price of a new limb (including railroad fare to and from the manufacturer) that he can not wear unless he gets an increase of \$10 a month.

"Respectfully,

J. JONES, *An Old Soldier.*

"Hon. C. B. KILGORE."

I am satisfied that it is a fictitious name, as I do not know any such man; besides, an old soldier would not be guilty of such a mean act. A letter of the same purport was written to the Secretary of War some months ago signed "Justice," but availed nothing. I therefore challenge him to make himself known and prove his statements. I will take up his letter *seriatim*.

First. In regard to the Turkish bath business, I would say that several years ago my wife and brother started in the business, but subsequently he became so dissipated that she was obliged to buy him out to save the business from being sold for debt, and also to save what little she had in it. Her mother's money was used to start the business, and her family has to be supported from it. My salary would not properly provide for those I am obliged to look after.

Second. As to valuable real estate, I do not own a dollar's worth of property in the world from which I realize any income, and what little I do own is mortgaged. I do not own even a home.

Third. The statement that I "have been drawing a salary from the Government since the close of the war" is also false, as the records will show. Most of the time I have been employed I received a per diem compensation. The position I now hold is solely through merit. I have been out of Government employ since I first entered it.

Fourth. The statement that "Dr. D. W. Bliss is one of my most intimate friends" is also false. His insinuation is that he being an intimate friend, would stoop to anything in order to get my pension increased. He fails to quote from Dr. James T. Young's certificate, when he states that he saw my leg when it was open and a running sore; and that was only last year. All these physicians are well known and honorable men and all examined my leg, and all gave their honest opinion in regard to my case.

Fifth. Again he says: "The only times that he has been known to cast aside his artificial limb were while working in the Government Printing Office" * * * and "also during the twelve years he has been in his present position the same tactics have been resorted to with success." My answer to the above charge is, that it is grossly unjust and false. If "J. Jones" knows anything about the case he must have known that I wore what is termed a "peg leg," for nearly two years, being unable to wear the Government leg, and which was paid for out of my own money; and that for eighteen months I was obliged to go on crutches, my leg being open and suppurating, and this while in the Government Printing Office.

I can not understand why the question of salary or property should enter into the case, as there are many instances of persons drawing high salaries and at the same time drawing large pensions, besides owning property.

In answer to the application for an increase of pension through the Pension Office, I was informed that there was no law covering my case, but the Commissioner of Pensions had asked Congress for authority to increase pensions in this and other cases.

It seems to me that there should be a distinction made between one who has no protection for the end of the stump (excepting a slight granulation) and one whose stump is fully protected. I know several men who can bear their whole weight on the end of the stump, and can walk for miles, while I am obliged to lace so tightly that all the pressure comes on the upper part of the leg, which of course stops the circulation of blood, and I can only walk a short distance at a time.

The facts in the case are these: I entered the United States service May 17, 1861, when between sixteen and seventeen years of age, and was wounded at the battle of Gaines Mill June 26, 1862, where I was taken prisoner, laying on the battle-field two nights and days without attention, when I was taken to a grove near by. Mortification having set in necessitated the amputation of my leg near the knee. In this grove I lay, in company with one hundred and fifty other wounded comrades, for twenty-eight days without shelter and but very little care, there being but four men that were able to assist us. I was obliged to dress my own wound, but finally became so weak that I could not properly attend to it, and the vermin in the wound caused the stitches to give way and the flap to drop down and slough off, leaving me no protection to the end of the stump, from the effects of which I have been a sufferer ever since, and it has broken open every summer since. The morning I entered battle I weighed 175 pounds, and when I was exchanged, twenty-eight days after, I weighed 38 pounds.

Very respectfully, your obedient servant,

JOHN N. BOVEE.

Hon. J. LYMAN.

Sworn to and subscribed before me at Washington, D. C., this 13th day of September, A. D. 1888.

[SEAL.]

GOODWIN Y. ATLEE,
Notary Public.

Mr. KILGORE. I will say this in explanation of my position in this matter, that the letter to which reference was made came to my hands—

Mr. LYMAN. Then I wish to say that I have been misinformed; that I did not know what the circumstances were exactly; but at all events my intention was to cast no sort of reflection upon the action of the gentleman from Texas.

Mr. KILGORE. I understand. When this case was called I presented the letter, and stated that if the allegations therein contained were true the increase ought not to be granted. That was all my position. That letter was read and went into the RECORD, and upon that statement the House refused to make the extension. I will say further that this letter was signed by one "J. Jones, an old soldier," and from that time to this "J. Jones," the old soldier, has not materialized [laughter], and I am inclined to make no fight upon a fictitious letter.

Mr. LYMAN. Permit me to state that I made no reflection whatever upon the action of the gentleman from Texas.

The SPEAKER *pro tempore*. The question is on the third reading of the bill.

The bill S. 3018 was ordered to a third reading, and being read the third time, was passed.

SYLVESTER STEARNS.

Mr. SENEY. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 7516) which I tried to have considered in committee, to increase the pension of Sylvester Stearns, and also ask unanimous consent that the Senate amendments be concurred in.

Mr. KILGORE. I will not make any objection to that, if there is no further request for unanimous consent.

Mr. SENEY. This is all I will ask to-night.

The SPEAKER *pro tempore*. If there be no objection, the Senate amendments to the bill called up by the gentleman from Ohio will be agreed to.

There was no objection, and it was so ordered.

BILLS PASSED.

Bills of the House of the following titles reported from the Committee of the Whole without amendment were severally considered, and ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 5751) for the relief of Margaret M. Hatch;

A bill (H. R. 4887) granting a pension to Charles E. Scott;

A bill (H. R. 4648) granting a pension to Jemima Sterling;

A bill (H. R. 2236) granting a pension to Eli J. Yamgheim;

A bill (H. R. 7887) granting increase of pension to Jonathan C. Harrison;

A bill (H. R. 2707) granting pension to Baker Saine; and

A bill (H. R. 5918) restoring to the pension-roll the name of Florian Lischewsky.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to substitute the bill (S. 3083) restoring to the pension-roll the name of Florian Lischewsky, in place of the House bill just passed.

The SPEAKER *pro tempore*. If there be no objection that order will be made.

There was no objection.

The SPEAKER *pro tempore*. Without objection the House bill No. 5918 will be laid upon the table.

There was no objection, and it was so ordered.

The following House bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed and read the third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 2702) granting a pension to Mary Ann Shook;

A bill (H. R. 8521) for the relief of William A. Mathes;

A bill (H. R. 3608) granting an increase of pension to William E. Prince; and

A bill (H. R. 10199) for the relief of William E. Springstein.

Senate bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, and being read the third time, were passed, namely:

A bill (S. 3030) granting a pension to Mary J. Foster;

A bill (S. 3197) granting a pension to Abbie L. Ham;

A bill (S. 1926) granting a pension to William Smith;

A bill (S. 1219) granting a pension to David Heinbach;

A bill (S. 2567) granting a pension to Nancy Polock;

A bill (S. 3241) granting a pension to Easter A. Jackson;

A bill (S. 1614) granting a pension to Phillippe Ray;

A bill (S. 3230) granting a pension to Martha J. Cole;

A bill (S. 619) granting an increase of pension to Leopold Mayer;

A bill (S. 3175) granting a pension to Mrs. Caroline Taylor;

A bill (S. 2593) granting a pension to Sarah E. McNamara; and

A bill (S. 889) granting a pension to Mary O. Hall.

Bills of the Senate of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to a third reading, and being read the third time were passed, namely:

A bill (S. 1481) granting a pension to Ellen White Dowling; and

A bill (S. 1782) granting a pension to Sarah C. Taylor.

MRS. MARY M. ORD.

The bill (S. 2663) granting a pension to Mrs. Mary M. Ord, reported from the Committee of the Whole with an amendment, was considered and the amendment agreed to.

The question being on the third reading of the bill,

Mr. KILGORE said: Mr. Speaker, there has been some considerable objection made to that bill, and I think it would be a very good idea for this House to vote on the question of reporting it to a full House to be voted upon at some time hereafter. It is out of the usual line to pass a bill of that size with ten or fifteen men present, and I think it would be a fair and proper disposition of it considering the circumstances. At these evening sessions we have uniformly, so far as my information goes, refused to grant large pensions of that kind, except in one case. I do not know personally—not having been present then—of this fact, but only gather that from what I see in the RECORD.

Mr. McKENNA. This is only an increase of \$25 a month. It is not a showy pension, but an absolutely needed increase.

Mr. KILGORE. An increase from \$50 to \$100.

Mr. McKENNA. No; an increase from \$50 to \$75. This lady is in absolutely destitute circumstances. Her present pension does not support her. She has been compelled to spend what little she receives, with such accumulations as she had saved in times past, to care for an invalid, almost blind daughter—I do not know but that she is totally blind. It is a very meritorious claim indeed. General Ord was not only one of the gallantest of men, but one of the most unselfish and honorable. I knew him when I was a boy, and knew him at one time to jump overboard, endangering his own life, to save a man from drowning.

Mr. KILGORE. I know General Ord was a distinguished soldier and a gallant gentleman. That I know as a matter of fact. He was for a time in Texas. But that is not the question here. The question is whether such legislation as this ought to be engaged in to-night. I do not know whether I ought to object, or whether if I did my objection now comes too late. Of course I could defeat the bill.

Mr. McKENNA. I hope the gentleman will not insist upon the objection.

Mr. KILGORE. I am inclined to do that at present.

Mr. McKENNA. It is only an increase of \$25, and I hope the gentleman will give this lady the benefit of the doubt existing in his mind. The question being taken, the bill was ordered to a third reading, and being read the third time, was passed.

Mr. YODER 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 GALLAGHER.

Mr. YODER. I now ask unanimous consent to call up a bill for Mr. SHIVELY, my colleague, if there be no objection; and I hope there will be none.

Mr. KILGORE. You will not ask another?

Mr. YODER. No. I ask that the Committee of the Whole be discharged from the consideration of the bill (H. R. 10515) to increase the pension of William Gallagher, and that the same be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of William Gallagher, late a private in Company D, Twenty-eighth Regiment Kentucky Infantry Volunteers, to \$20 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10515) granting an increase of pension to William Gallagher, have had the same under consideration, and now report:

The claimant is now receiving a pension of \$10 per month for gunshot wound of left hip. He filed application for increase June 22, 1887, for original disability and resulting affection of both legs and rerating. The same was referred to a medical referee, who reported the claim for rejection on the ground of "rerating not warranted on medical grounds." The evidence in this case is purely medical, and the committee are of the opinion that the conclusion of the medical board making the examination under oath ought to be considered in preference to the opinion of the medical referee. The claimant was examined for increase by the examining board at South Bend, March 16, 1887, and they conclude as follows:

"He is, in our opinion, entitled to an $\frac{11}{16}$ rating for the disability caused by gunshot wound of left hip, and results."

Another examination was had by said board July 13, 1887, and after making a full report concluded as follows:

"He is, in our opinion, entitled to an $\frac{11}{16}$ rating for the disability caused by gunshot wound of left hip."

We therefore recommend that in line 6 strike out the word "twenty" and insert "eighteen," and, when so amended, we recommend the passage of the bill.

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

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

The latter motion was agreed to.

LOUISA ROGERS.

Mr. CHEADLE. I ask unanimous consent to discharge the Committee of the Whole from the consideration of the bill (H. R. 8549) granting a pension to Louisa Rogers.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Louisa Rogers on the pension-roll, subject to the pension laws of the United States, she being the housekeeper and dependent daughter of Charles T. Bell, who was late captain in Company —, Seventy-sixth Regiment Indiana Volunteers.

The SPEAKER *pro tempore*. The Chair is of the opinion that that would not give any pension.

Mr. WHEELER. I move to amend by inserting "\$12 a month."

Mr. KILGORE. How much is asked by the bill?

The SPEAKER *pro tempore*. The amount is blank.

Mr. CHEADLE. Well, just pass it blank, and the Senate will fill it in by way of amendment.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. WHEELER] has offered as an amendment that she be pensioned at the rate of \$12 per month.

Mr. CHEADLE. That is entirely satisfactory.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Louisa Rogers on the pension-roll at the rate of \$12 per month, she being the housekeeper and dependent daughter of Charles T. Bell, who was late a captain in Company —, Seventy-sixth Regiment Indiana Volunteers.

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

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

The latter motion was agreed to.

MRS. ELIZABETH G. SCOTT.

Mr. WHEELER. I now ask unanimous consent to take up the bill (H. R. 7944) to increase the pension of Mrs. Elizabeth G. Scott.

Mr. CHEADLE. It will save time to announce now that I will antagonize that bill.

Mr. WHEELER. Mrs. Scott is a lady—

Mr. CHEADLE. I wish to give notice to you and to members present in this House that another bill shall not pass in violation of the ratings of law if I am present unless there be a quorum. I have stated that so many times that it does seem strange gentlemen should compel me to state it again and again, when I have so often set forth my reasons for objecting.

Mr. WHEELER. The gentleman objects sometimes and sometimes he does not object.

Mr. CHEADLE. If I ever call up a bill that violates the ratings of the law, I hope gentlemen will vote it down. I would rather resign my seat than ask the House to pass a bill which was in violation of the ratings of the law.

ADJOURNMENT.

The SPEAKER *pro tempore*. The hour of 10.30 having arrived, the House stands adjourned until Monday next, October 8, at 12 o'clock m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. STONE, of Kentucky: A bill (H. R. 11568) for the relief of John A. Yandell—to the Committee on War Claims.

Also, a bill (H. R. 11569) for the relief of Sarah Millikan—to the Committee on War Claims.

By Mr. McCREARY: A bill (H. R. 11570) granting arrears of pension to Peter J. Hiatt—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 11571) granting a pension to I. T. Houze—to the Committee on Invalid Pensions.

By Mr. WHEELER (by request): A bill (H. R. 11572) for the relief of Mrs. Fannie Moore—to the Committee on Invalid Pensions.

PETITION.

The following petition was laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of estate of Donald Street, deceased, late of Alcorn County, Mississippi, and also James Conn, of Alcorn County, Mississippi, for reference of their claim to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, October 8, 1888.

Prayer by Rev. C. B. RAMSDALL, of the city of Washington.

The Journal of the proceedings of Thursday last was read and approved.

DR. JOHN B. READ.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, October 4, 1888.

Ordered, That the Clerk be directed to return to the Senate, in accordance with their request, the bill (H. R. 10633) for the relief of Dr. John B. Read, and also to inform the Senate that the Speaker had signed the above-enrolled bill before receiving the message of recall from the Senate.

Mr. EDMUNDS. I ask that my motion to reconsider the vote on the passage of the bill be taken up and acted upon, and that the order for the third reading be reconsidered and the bill placed on the Calendar. I do this in pursuance of an understanding with gentlemen interested affirmatively for the bill, that if that should be done it shall go on the Calendar and wait until December before it is again taken up.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was passed and also the vote by which it was or-