SENATE.

FRIDAY, *August 3, 1894.*

Prayer by Rev. J. H. M'CARTY, D. D., of the city of Washington.

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

LOSSES BY CYCLONE AT PORT ROYAL, S. C.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps was read twice by its title.

Mr. MCMILLAN. A similar bill is on the Calendar, and I ask that the House bill be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. MCMILLAN. I move that the bill (S. 1464) for the relief of certain enlisted men of the Marine Corps be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, insisted upon its disagreement to certain other of the amendments of the Senate further insisted upon by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. ALLEN, and Mr. WILSON of Washington managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 3506) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department;

A bill (H. R. 4611) to amend an act approved January 26, 1893, to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers, in the State of Tennessee;

A bill (H. R. 6814) extending the time for payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes;

A bill (H. R. 6902) granting an increase of pension to Mrs. Susie Conway; and

A bill (H. R. 7071) to exempt the property of the Young Men's Christian Association of the District of Columbia from taxation.

PETITIONS AND MEMORIALS.

Mr. FRYE. I present a memorial of sundry cotton manufacturers of Boston, Mass., remonstrating against the passage of the so-called Hatch antioption bill. The bill having been reported by the Committee on Agriculture and Forestry, I move that the memorial lie on the table.

The motion was agreed to.

Mr. CULLOM presented a memorial of sundry citizens of Cordova, Ill., and a memorial of sundry citizens of Augusta, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. PATTON presented memorials of M. W. Seymour and 48 other citizens of Kalamazoo, Mich.; of F. W. Slater and sundry other citizens of Michigan, and of John E. Bradley and 48 other citizens of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. LODGE presented the memorial of Clinton G. Stickney and 210 citizens of Massachusetts, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2056) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1692) granting a pension to William J. Murray, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Territories, to whom was referred the bill (H. R. 353) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Territories, to whom was referred the bill (H. R. 4393) to provide for the admission of the State of Arizona into the Union, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7006) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to extend its line of road into and within the District of Columbia, and for other purposes, reported it with amendments.

Mr. HUNTON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2263) to amend section 553 of the Revised Statutes of the United States, relating to the District of Columbia, reported it without amendment.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2133) to correct the military record of Capt. E. M. Ives, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally adversely, and they were postponed indefinitely:

A bill (S. 1690) for the relief of Peter M. V. Underwood; and

A bill (S. 1555) to remove the charge of desertion from the military record of Louis F. Folger.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 6384) for the relief of Walter S. McLeod, reported it with an amendment, and submitted a report thereon.

Mr. WALSH, from the Committee on the Quadro-Centennial (Select), to whom was referred the bill (S. 2261) to further encourage the holding of a World's Exposition at Atlanta, Ga., in the year 1895, reported it without amendment.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 1945) for the relief of Holmes & Leathers, reported it without amendment, and submitted a report thereon.

MRS. E. S. LUKE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war, to report it favorably without amendment. As the bill proposes to pension a very aged woman, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. E. S. Luke, of Clarksville, Pike County, Mo., widow of John L. Luke, who served as a soldier in the Black Hawk war, and to pay her a pension of $20 per month.

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

RECONVEYANCE OF LANDS.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2269) providing for reconveyance by the District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis, to report it with amendments; and I ask for its present consideration.

Mr. COCKRELL. Will it lead to any discussion? If it does, I must object.

Mr. MARTIN. It will not take three minutes to pass the bill. In this connection I ask the Secretary to read a letter from the Commissioners of the District of Columbia, recommending the passage of the bill.

The VICE-PRESIDENT. Is there objection to its present consideration?

Mr. ALLISON. I wish to hear the bill read.

Mr. COCKRELL. Let us see what it is first.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill; and by unanimous consent the

Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MARTIN. I ask that the letter of the Commissioners of the District be read, and that will be a sufficient explanation of the whole bill.

The VICE-PRESIDENT. The letter will be read if there be no objection.

The Secretary read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, Aug. 1, 1894.

DEAR SIR: The Commissioners recommend favorable action on Senate bill 2269, "providing for reconveyance by District Commissioners of certain lands to Andrew J. Curtis and Mary E. Curtis," which was referred to them at your instance for their examination and report. The topography indicates that the street in question is not located so as to be advantageously improved. It is three and one-half miles east of the Capitol, has never been improved, and only serves at present to relieve the grantor from paying taxes upon it.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Senator ISHAM G. HARRIS,
Chairman Senate Committee on District of Columbia.

Mr. SHERMAN. According to that statement, the conveyance was made to the Commissioners in order to avoid taxes. If that is the case, the bill ought not to pass.

Mr. MARTIN. I can not hear what the Senator from Ohio says.

Mr. SHERMAN. I should like to have the letter read again.

The Secretary again read the letter.

Mr. SHERMAN. The bill is all right then. Evidently it was the conveyance of a street to the District of Columbia.

Mr. MARTIN. The land was originally granted to the District of Columbia, without any compensation whatever, for a specific purpose, and that purpose has failed.

The VICE-PRESIDENT. The first amendment of the Committee on the District of Columbia will be stated.

The SECRETARY. The committee report to strike out the second section of the bill in the following words:

SEC. 2. That this act shall take effect from its passage.

The amendment was agreed to.

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

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

The VICE-PRESIDENT. The committee report as a further amendment to strike out the preamble.

The amendment was agreed to.

INSPECTION OF BOILERS.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4475) to amend section 4434 of Title LII of the Revised Statutes of the United States, to report it without amendment. I had an interview with Inspector-General Dumont yesterday, and he satisfied me as to the imperative necessity of the bill and the importance of its immediate passage. It is required by reason of a change in the test of the tensile strength of iron and steel.

The Secretary read the bill.

Mr. ALLISON. I ask the Senator from Maine if it is the intention that the bill shall have immediate effect when it becomes a law? If so, what will be the effect upon vessels which now have the character of boilers which the bill prohibits? It seems to me the law ought to take effect at some day in the future.

Mr. FRYE. There is no difficulty about that, from the fact that the inspector-general explains to me that the only difficulty which can arise from this is that it changes the thickness of the iron and steel for boilers, and the result will be to reduce very largely the amount of the pressure of steam the vessels may be permitted to carry. Therefore this bill becoming a law will not make any difference; it simply allows the vessels to continue the pressure which they have now.

Mr. HOAR. I ask the Senator from Maine to consent to an amendment of the title, so that it will state the object of the bill.

Mr. FRYE. I do not wish to do that, because it is a House bill, and that will necessitate its return.

Mr. HOAR. All manner of inconvenient and bad legislation gets through because some Senator will say, "This is a House bill; let it go through as it is, or it will have to be sent back." The amendment I propose can be acted upon in the House of Representatives in five minutes.

Mr. FRYE. I do not know about that.

Mr. HOAR. I object to the bill being passed without an amendment of the title.

Mr. FRYE. The Senator may object, and he will cause very serious trouble by his objection.

Mr. HOAR. I move to amend the title by inserting the words "relating to steam boilers."

The VICE-PRESIDENT. It is not in order to amend the title, the bill not having yet been passed.

Mr. FRYE. I should like to withdraw the report.

The VICE-PRESIDENT. Without objection, the report will be withdrawn.

Mr. HOAR. We have adopted a rule requiring that the title of a bill shall state its object, and I object to departing from that practice.

Mr. FRYE. The object is recited in the section. The bill is perfectly safe as it stands, and there will not be the least trouble about it to anyone, except in the imagination of the Senator from Massachusetts.

Mr. HOAR. The Senator must know that the rules are just to the contrary. This is in violation of the rule.

The VICE-PRESIDENT. The Chair understands the report has been withdrawn.

Mr. FRYE subsequently said: I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 4475) to amend section 4434 of title LII of the Revised Statutes of the United States, to report it without amendment.

ARREDONDO GRANT.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred a concurrent resolution offered by my colleague [Mr. CALL], to report it with an amendment in the nature of a substitute, and I ask for its immediate consideration.

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

Mr. COCKRELL. It is not a good way of doing business to have reports from committees acted upon as soon as they are made.

The VICE-PRESIDENT. The resolution can only be considered by unanimous consent.

Mr. COCKRELL. Is there any absolute necessity for the immediate passage of the concurrent resolution?

Mr. PASCO. There is, or I should not ask it. I understand and appreciate the urgency of the Senator from Missouri with reference to the appropriation bill. I ask that the concurrent resolution may be now acted upon. It will not cause any long delay.

By unanimous consent, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Public Lands, with an amendment to strike out all after the resolving clause and insert:

That the Secretary of the Interior be, and he is hereby, directed to suspend the opening of the lands in the Arredondo grant of 20,000 acres in Columbia County, Fla., to entry under the land laws of the United States until the close of the present Congress, unless there is further legislation with reference thereto before that time.

Mr. PASCO. My colleague introduced the resolution, and I have received a petition from a number of respectable citizens, among them some of the most prominent men in Columbia County, with reference to the same matter, which was referred to the Committee on Public Lands, where the resolution has been considered. The petition reads as follows:

We, the undersigned citizens of Columbia County, Fla., respectfully ask you to interest yourself in effecting an equitable settlement of the "Arredondo land grant" question, so as to secure to our people who have been in actual possession of lands embraced within said grant for upwards of thirty years their homes without further trouble and expense.

There were two grants of this name. This is the smaller one. It was claimed under the statutes providing for the establishment and settlement of the Spanish land grants in Florida and other States; it was confirmed after appeal to the United States Supreme Court, but the lands included in the grant were not set off to the grantees at the time in consequence of troubles in the county, the actual settlers on the land objecting to it and resisting it. It was not until 1882 that the rights of the grantees were fully recognized and protected. The grantees were then, under a decree of the United States district court for the northern district of Florida, given scrip instead of the lands, which they have since located, and the lands included in the grant then became a part of the public domain. Subsequently they were claimed by the Pensacola and Georgia Railroad Company, which was built through that section of country under the grant of 1856; but the Department has decided that the lands did not pass by the granting act, because they were not a part of the public domain when the granting act was passed.

Under these different conditions conflicting claims have arisen and are likely to arise in increased numbers, and as set forth in this petition which has been read, persons who have been living upon some of these lands for thirty years are threatened with the loss of their homes.

A part of this grant covered a portion of Lake City, and many citizens had built their homes and made improvements there. The two-sixteenths of land extending into the city have recently

been entered under a decision of the Land Office by the mayor of Lake City for the benefit of the occupants, but no sufficient relief can be secured for those living outside of the city without legislation.

It has been considered best by my colleague and myself, in talking the matter over, that a bill should be deliberately prepared to cover all of these cases, and that in the mean time these entries be suspended, so that there may be no confusion of titles, as has arisen in the State of Iowa and other States in like cases.

Mr. COCKRELL. There is no objection to the resolution.

Mr. PASCO. I ask that the resolution may be passed, and as part of my remarks I ask to have inserted a communication from the Attorney-General, which sets forth the main facts in the case.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

The communication referred to is as follows:

DEPARTMENT OF JUSTICE, *Washington, March 28, 1884.*

SIR: In reply to the resolution of the Senate of the 25th ultimo, in relation to the case of the Heirs of Arredondo *vs.* The United States, I herewith inclose a communication received to-day from the United States attorney for Northern Florida, dated March 25, 1884, together with a previous one from his predecessor, dated May 15, 1882. As upon the perusal of the former it seemed to me that the resolution had asked for a more specific statement of the proceedings and evidence in the case to which it referred, I have this day directed that a copy of what, besides the decree, was done under the motion of 1881 shall be transmitted. When it shall have been received I will forward it to you.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

The PRESIDENT OF THE SENATE.

OFFICE UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF FLORIDA,
Jacksonville, March 24, 1884.

SIR: In compliance with instructions contained in your communication of the 29th ultimo, I herewith report all the information within my power relative to the suit of the heirs of Arredondo against the United States, relating to lands in Columbia County, Fla.

The resolution of the Senate calling for this information, a copy of which you forwarded to me, is as follows:

"IN THE SENATE OF THE UNITED STATES, *February 25, 1884.*

"*Resolved*, That the Attorney-General be, and he is hereby, directed to furnish the Senate with information as to the suit of the heirs of Arredondo against the United States, for the circuit court of the United States for the northern district of Florida, relating to land in Columbia County, Fla., and of the proceedings in said cause, and the time when the same was commenced, and as to the claimants or heirs in said cause and the evidence therein, and all other material facts relating to the same, and the validity and justice of said claim.

"Attest:

"ANSON G. McCOOK, *Secretary.*"

The suit referred to was instituted and prosecuted in the district court (and not the circuit court) for the northern district of Florida.

The history of the claim and the proceedings therein, as they appear from the records, are as follows:

In May, 1829, Benjamin Chaires *et al.* filed their petition in the superior court of East Florida asking for the confirmation of a Spanish grant of 20,000 acres in Columbia County, made to José de la Maza Arredondo. A decree confirming the grant was made November 24, 1834, and an appeal was then taken to the Supreme Court of the United States. The Supreme Court, at its January term, 1836, held that the title of Arredondo was valid to all the land contained in these surveys (referring to the Spanish survey by Burgeoin), affirmed the judgment of the lower court (see 10 Peters, 308), and issued its mandate directing the lower court to take such further proceedings as in right and justice ought to be had, etc. (See copy of mandate hereto attached marked Exhibit A.) A petition for a rehearing was filed May 21, 1844, and this petition was dismissed. (See 3 Howard, 611.)

The grant was located under the decree by the surveyor-general in T. 3 and 4 S., R. 16 and 17 E.

At the date of the confirmation many persons were residing upon the lands contained in the grant, and the surveyor-general was forcibly prevented by these residents from locating the claim by a survey, and thereby segregating it from the mass of the public domain.

In 1881, the claimants, alleging that a large proportion of the lands covered by the grant (about 13,000 acres) had been sold or otherwise disposed of by the United States, and claiming that the grant had never been located and surveyed, instituted proceedings in the United States district court for the northern district of Florida to obtain the benefit of the second section of the act of May 26, 1824, usually called the "Missouri act," extended to Florida by the act of May 23, 1828.

A hearing on this application was had in April, 1882, the United States being represented by J. B. Stickney, esq., the then district attorney, when the court being satisfied from the evidence and a report from the surveyor-general as to the facts, entered a decree granting to the claimants the benefits of the said second section of the act of May 26, 1824. (See copy of decree hereto annexed, Exhibit B.) On the rendition of the decree Mr. Stickney gave notice of an appeal, but never took any steps to prosecute the same, so far as I could ascertain.

Mr. Stickney died in November, 1882, and I was appointed district attorney in December of the same year. On taking possession of the office I found no record of the case, and it did not appear on the docket. My attention was first called to it sometime last year by Mr. Fairbanks, counsel for the claimants, who informed me that the matter would be settled by the General Land Office if the appeal was withdrawn, and that Mr. Stickney before his death had about concluded to withdraw the appeal.

It was also brought to my attention by prominent citizens of Lake City and officers of the State government, who represented that the interests of that whole community were suffering by the delay in a settlement. On making an investigation of the claim I found from the records of the court that the proceedings had been regular to the date of the last decree made by the district court, and from all the information I could obtain it appeared that the only question in the mind of my predecessor, Mr. Stickney, was whether the claimants should have land floats for the entire 20,000 acres, or whether they should have floats for only 13,000 acres (the amount disposed of), and 7,000 acres of the lands included in the survey and still undisposed of.

I found, further, that Mr. Stickney had reported the case in full to the Attorney-General, and that by your letter to him dated May 25, 1882, you informed him that whether an appeal should be taken or not was a question for him to decide, thus leaving the matter entirely to his judgment. Mr. Stickney under this license gave notice of an appeal, but proceeded no further.

After a thorough examination of the case I could find no grounds for an appeal from the decree of the district court; and being satisfied, first, that the grant was a valid one; second, that the claimants were entitled to the benefits of the second section of the act of May 26, 1824; third, that there was no error in the decree of the district court: and, lastly, that while the interests of the Government could suffer no injury, the interests of the people of Lake City, in Columbia County, and the interests of the State would be best subserved by a speedy settlement of the question, I, assuming that the same discretion given to my predecessor by your letter heretofore referred to was also given to me, concluded to withdraw the appeal, and accordingly entered into a stipulation to that effect.

I have the honor to be, yours, very respectfully,

ED. M. CHENEY,
United States Attorney.

Hon. B. H. BREWSTER,
United States Attorney-General, Washington, D. C.

EXHIBIT A.

Mandate of the Supreme Court of the United States of America, ss:

The President of the United States of America to the honorable the judge of the superior court of the United States for the district of East Florida, greeting:

Whereas lately, in the superior court for the eastern district of Florida, before you, in a cause wherein Benjamin Chaires, Peter Mirando, and Gad Humphreys were petitioners against the United States, the decree of the said superior court was in the following words, viz: "The court doth order, adjudge, and decree that this claim is valid, and that in accordance with the laws and customs of Spain, and under and by virtue of the late treaty of amity, settlement, and limits the United States of America and the King of Spain, ratified by the United States of America 22d February, 1821, and under and by virtue of the laws of nations and of the United States, it is hereby confirmed, adjudged, and decreed unto the said claimants to the extent, for the number of acres, and at the place as in the grant for the said land to Don José de la Maza Arredondo, and as in the plat and certificate of survey of the same made by Don Andres Burgevin, and dated the 16th of September, 1819, and filed herein, is set forth, to wit: A piece of land which contains 20,000 acres of land, situated on to the margin of a creek known as Alligator Creek. Said land commences at a little above the head of said creek, and embraces an Indian town, distant about 80 miles from the post at Buena Vista and about 40 to the northwest of Paynes Town. The first line runs north 20° west 357 chains; begins at a pine marked (X), and ends at another marked (═══). The second line runs south 70° west 560 chains, and ends at a stake. The third line runs south 20° east 357 chains, and ends at a pine marked (II); and the fourth line runs north 70° east 460 chains; as by the inspection of the transcript of the record of the said superior court, which was brought into the Supreme Court of the United States by virtue of an appeal, agreeably to the act of Congress in such case made and provided, fully and at large appears. And whereas, in the present term of January, in the year of our Lord 1836, the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration thereof it is decreed and ordered that the decree of the said superior court in this cause be and the same is hereby affirmed, February 6.

You, therefore, are hereby commanded that such further proceedings be had in said cause as according to right and justice and the laws of the United States ought to be had, the said appeal notwithstanding.

Witness the honorable Joseph Story, associate justice of said Supreme Court, the 2d Monday of January, in the year of our Lord 1836.

WM. THOS. CARROLL,
Clerk of the Supreme Court of the United States.

EXHIBIT B.

In the district court of the United States, northern district of Florida.

BENJAMIN CHAIRES ET AL. VS. THE UNITED STATES.

This case coming on to be further heard, on the 10th day of April, 1882, before the Hon. Thomas Settle, judge of the United States district court for the northern district of Florida, and after hearing the proof and allegations of the parties and of their respective counsel, to wit, G. R. Fairbanks, esq., for claimants, and John B. Stickney, esq., on behalf of the United States, and it appearing to the court that a survey of said lands mentioned in said grant can be made so as to give the parties legally entitled thereto the benefit of the said concession;

And it further appearing to the court by the evidence herein filed as well as from the record in this cause, and from the report of the surveyor-general also herein filed, that the said grant has never been located and surveyed by the United States and that a large portion of the lands covered by said grant have been heretofore sold or otherwise disposed of by the United States, and the parties claiming title under said grant having applied to this court for the privileges guaranteed by the second section of the act of 26th May, 1824, entitled "An act enabling claimants to land within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," extended and applied to Florida by an act for that purpose approved 23d May, 1828, as is claimed by the claimants' counsel, and the applicability of the act of 1824 aforesaid to this case not being contested before this court:

Therefore, on motion of said claimants' counsel, it is hereby further ordered, adjudged, and decreed, that the person or persons legally entitled to the said 20,000 acres, and to the benefit of said decree, are also entitled to the benefits of the provisions of the aforesaid second section of the act of Congress of 26th May, 1824; and that in virtue thereof they have the right to enter in any land office in the State of Florida, after the same shall have been offered at public sale, the like quantity of land equal to the whole area of said grant, to wit, 20,000 acres, in parcels conformable to sectional divisions and subdivisions in lieu of and in full satisfaction of said grant to the said Joseph M. Arredondo, in conformity of the provisions of the said second section of the act above referred to; and the lands heretofore sold or otherwise disposed of by the United States, which are covered by said grant, are hereby confirmed to the parties having title to said lands from the United States, and the residue of the lands covered by the said grant shall hereafter be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public lands in same district.

THOMAS SETTLE, *Judge.*

JACKSONVILLE, *April 10, 1882.*

The VICE-PRESIDENT. The question is on agreeing to the amendment to the resolution reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF HENRY E. SIZER.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 1406) for the relief of Eliza H. Yerger and Mary Virginia Rawlins, both born Sizer, daughters and only heirs at law of Henry E. Sizer, deceased, late of Jackson, State of Mississippi, submitted a report thereon, accompanied by the following resolution; which was read and ordered to be placed on the Calendar:

Resolved, That the claim of Eliza H. Yerger and Mary Virginia Rawlins, daughters and only heirs at law of H. E. Sizer, deceased, late of Jackson, State of Mississippi, represented by Senate bill No. 1406, with all the papers relating thereto, be, and the same is hereby, referred to the Court of Claims to find the facts, proceeding under existing laws, whether, barring all statutes of limitation, the said claim mentioned in the said Senate bill, or any part thereof, and, if so, what part, is under the laws of the United States a valid and subsisting claim against the United States.

BILLS INTRODUCED.

Mr. DAVIS (by request) introduced a bill (S. 2277) defining options and futures and imposing special taxes on dealers therein, and for other purposes; which was read the first time by its title.

The VICE-PRESIDENT. A bill on the same subject having been reported, the bill introduced by the Senator from Minnesota will lie on the table in the absence of objection.

Mr. WASHBURN. I move that the bill be referred to the Committee on Agriculture and Forestry.

Mr. HARRIS. Is not that a bill imposing taxes? Let the title be again read.

The VICE-PRESIDENT. The title will be again stated.

The SECRETARY. A bill (S. 2277) defining options and futures and imposing special taxes on dealers therein, and for other purposes.

Mr. HARRIS. That bill ought to go to the Finance Committee, where all tax bills go.

The VICE-PRESIDENT. Does the Senator enter a motion to that effect?

Mr. HARRIS. I move that the bill be referred to the Committee on Finance.

Mr. COCKRELL. Has not a similar bill been considered by the Committee on Agriculture and Forestry and been reported by that committee?

Mr. WASHBURN. I do not know what are the provisions of this bill, but a bill for the same purpose has been considered and reported by the Committee on Agriculture and Forestry. All such bills in the House of Representatives have been sent to the Committee on Agriculture, and there is where they properly belong. The whole question of dealing in options or gambling in grain and food products should be considered by that committee. I think the idea of the Senator from Tennessee in asking that the bill be referred to the Committee on Finance is an entire mistake.

Mr. HARRIS. If it is the object of the Senate to prostitute the taxing power to a wholly illegitimate purpose in order to take jurisdiction of a subject-matter over which Congress has no jurisdiction under the Constitution, then the argument of the Senator from Minnesota [Mr. WASHBURN] is legitimate, logical, and true; but unless such be the object and purpose, if this bill be what it purports to be, a bill levying taxes, it should go to the Finance Committee, the only committee which deals with such questions.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, to refer the bill to the Committee on Finance.

Mr. GEORGE. If the bill introduced into the Senate is to raise money by taxation, I raise the point of order that it ought to be introduced in the House of Representatives. It can not be introduced here. By the Constitution it has to originate in the House of Representatives.

Mr. HARRIS. The Senator is quite right.

Mr. COCKRELL. I object to the second reading of the bill. Let it lie over until to-morrow.

The VICE-PRESIDENT. Objection being made to the second reading of the bill, it will lie over until to-morrow, when the Chair will determine the point of order.

Mr. SHERMAN introduced a bill (S. 2278) granting a pension to Matthew C. Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 2279) to provide means for gathering and storing rainwater in semiarid regions of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (H. R. 4609) to establish a uniform system of bankruptcy; which was referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED ISSUE OF TREASURY NOTES.

Mr. ALLEN. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be, and the same is hereby, discharged from the further consideration of the bill (S. 2264) for the relief of the several States of the Union, and for other purposes, and that said bill be placed on the Calendar for present consideration by the Senate.

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

Mr. HARRIS. Let that resolution be printed and go over.

The VICE-PRESIDENT. It will be so ordered.

PERSONAL EXPLANATION.

Mr. HUNTON. Mr. President, I rise to a personal explanation.

I notice in the Washington Post of this morning, in regard to the debate of yesterday, that when the resolution of the Senator from New Hampshire [Mr. CHANDLER] was under discussion, the Senator from Texas [Mr. MILLS] is made to say that in the amendment he proposed to offer to the resolution he was aiming only at Democrats, and he named a certain number of Democrats, among them my colleague [Mr. DANIEL] and myself. I desire to ask the Senator from Texas if he meant to refer to my colleague and myself in the remarks he made yesterday?

Mr. MILLS. I did not make any remarks. I simply offered an amendment. I will say to the Senator that the statement to which he refers is wholly unauthorized. I never opened my mouth to anybody on the subject, and I never dreamed of the Senator or his colleague when I offered the amendment. Knowing both of them so long as I have known them, it never entered my mind that either of them was capable of a dishonorable action; on the contrary, they are both honorable gentlemen and friends of mine, and have been ever since we have been in public life.

Mr. HUNTON. I felt assured before I appealed to the Senator from Texas that he would reply to my interrogatory as he has done.

I desire to say for my colleague and myself that we are not interested in any coal or iron mine or in any railroad which transports coal or iron.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 207) granting jurisdiction and authority to the Court of Claims in the case of the towboat Future City, her barges, cargoes, etc.;

An act (S. 1399) to promote the efficiency of the naval militia; and

An act (S. 2245) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia.

DEFICIENCY APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

The motion was agreed to.

MATERIAL AND LABOR ON PUBLIC WORKS.

Mr. VEST. In view of the fact that I am necessarily called away from the Senate on public business, I ask unanimous consent for the present consideration of the bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works.

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

Mr. HOAR. I suggest to the Senator that if any one of 500 persons is authorized to bring a separate suit against a contractor in the name of the United States, there ought to be a provision like that which is made in the probate jurisdiction of the various States, that there shall be a responsible indorser upon the writ. Of course it is not intended to make the United States liable for the costs.

Mr. VEST. No; that is expressly provided for.

Mr. HOAR. There should be a responsible indorser upon the writ, who shall be liable for costs, otherwise the contractors may be harassed by countless suits, and, the suits being in the name of the United States, the plaintiffs would have no obligation for costs.

Mr. VEST. Would not the party under the United States practice be compelled to give a bond for costs?

Mr. HOAR. I do not think there is any law to that effect now. I have looked to see, but I have no knowledge of any such law.

Mr. VEST. My impression is that the Federal courts in all cases require that a bond shall be given.

Mr. HOAR. Will the Senator from Missouri allow me to have added to the bill an additional proviso which I can dictate? I move to add:

Provided further, That the court in which such case shall be brought is authorized to require proper security for costs in case judgment shall be for the defendant.

Mr. VEST. That is all right.

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

The SECRETARY. Add as an additional proviso:

Provided further, That the court in which such case shall be brought is authorized to require proper security for costs in case judgment shall be for the defendant.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The VICE-PRESIDENT. The amendments reported by the Committee on Public Buildings and Grounds will be stated.

The first amendment of the Committee on Public Buildings and Grounds was, in line 6, before the word "repairs," to strike out "extensive;" so as to read:

That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work or for repairs upon any public building or public work.

The amendment was agreed to.

The next amendment was, in line 21, after the words "United States," to insert "for his or their use and benefit;" so as to read:

And shall be authorized to bring suit in the name of the United States for his or their use and benefit against said contractor and sureties and to prosecute the same to final judgment and execution.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STATE TAXATION OF NATIONAL CURRENCY.

Mr. GEORGE. I ask unanimous consent that the Senate take up and consider the bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury notes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. SHERMAN. Mr. President, I wish the Senate to know what the bill is. The purpose of the bill is to enable the States to tax the greenbacks and United States notes. As a rule, I believe that that would be right; that money in any form should be treated like other property, and be subject to taxation. Yet it is perfectly clear that under the language of the law it would be a violation of the public faith, pledged in the acts providing for the issue of United States notes. In the acts authorizing the issue of United States notes of every form and every form of obligation there is an express exemption from all State, national, or local taxation.

I call the attention of the Senator from Mississippi to a clause I find in the act of 1864, one of the leading acts providing for the issue of a large amount of bonds and Treasury notes, which declares:

And all bonds, Treasury notes, and other obligations of the United States shall be exempt from taxation by or under State or municipal authority.

So under another act, passed at the same session, providing for an increase of the amount of United States notes, it is provided:

And such notes shall be exempt from taxation by or under State or municipal authority.

The same provision is contained in the act of 1865, as follows:

And all bonds or other obligations issued under this act shall be exempt from taxation by or under State or municipal authority.

A similar provision is carried into what is called the refunding act of 1870, which provides that—

All of which said several classes of bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

That provision does not apply to United States notes, but all the other acts providing for the issue of United States notes do forbid all kinds of taxation, State, municipal, or national.

Now, whether under the present circumstances, the notes being redeemable at the pleasure of the holder since the resumption of specie payments, there is any reason for that prohibition, is a question for Congress to determine. Still, there is a prohibition contained in all these laws against the taxation of the national securities. If Congress should repeal that provision of the act as to the bonds, it would be a clear violation of the public faith, because the bonds are continuing obligations, issued under exising law, some of them running for a period of thirty or forty years. Therefore, any change of the contract, during the term of the contract, would be an express violation of the public faith.

Whether that rule would apply to a note, which is presentable at pleasure and redeemable in coin, I have some doubt. I see no reason in equity why greenbacks or United States notes, which are legal-tender money, should not be treated like all other property and taxed by municipal, by State, and by general authority. I therefore do not see any injustice in it.

All property ought to be taxed alike, and money held by a person at any time is property in the same sense that real estate or any other property is held as property. Therefore in nearly all the States there are laws levying duties on bank notes, on various forms of securities, on money——

Mr. PLATT. Money on hand.

Mr. SHERMAN. Money on hand, which includes gold and silver.

The Senator from Mississippi, when I called his attention to the language of the law, said he would strike out the word "property." I ask to have read the clause in regard to taxing notes like other property. I think it is the last clause of section 1.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other property, money or currency circulating as money within its jurisdiction.

Mr. SHERMAN. At my suggestion the Senator from Mississippi agreed to strike out the word "property" and say that no tax shall be levied upon United States notes, except such taxes are also levied upon all other forms of money. Gold and silver money on hand is liable to taxation by the laws of the State of Ohio and by the laws of most of the States, I suppose. Whether United States notes shall be exempt any longer, after the notes are redeemable at pleasure, on demand, is a question for the Senate to decide. Clearly such a provision extended to bonds would be a violation of public faith.

I do not wish to interfere with the bill, except to have the Senate understand distinctly that this provision is in express violation of the law under which the notes were issued. Whether the circumstances are so changed as to justify the taxing of this money is for the Senate to determine.

Mr. GEORGE. Does the Senator from Ohio desire to be understood as saying that if the amendment suggested by him, striking out the word "property" is made, he will interpose no further objection to the bill?

Mr. SHERMAN. I see no further objection. I merely wished to state the fact that when the notes were issued it was expressly provided that they should not be taxable by State or municipal authority. But as the notes are now, under the existing law, redeemable at pleasure, I do not see why any distinction should be made between property in United States notes and property in gold and silver coin. That is a question for the Senate to determine.

Mr. GEORGE. Understanding that the Senator from Ohio will interpose no further objection to the passage of the bill if the word "property" in line 10, section 1, is stricken out, I move that that word be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. In line 10, section 1, before the word "money," strike out the word "property;" so as to make the proviso read:

Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

The amendment was agreed to.

Mr. GEORGE. I ask that the amendments reported by the Committee on the Judiciary be now acted upon.

The first amendment of the Committee on the Judiciary was, in section 1, line 3, before the word "circulating," to strike out "all;" in line 4, before the words "United States," to strike out "all;" in the same line before the word "other" to strike out all;" in line 6, after the word "circulating," to insert "or intended to circulate," and in the same line after the word "shall," to strike out "be subject to," and insert "not be exempt from;" so as to make the section read:

That circulating notes of national banking associations and United States

legal-tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency shall not be exempt from taxation under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

The amendment was agreed to.

Mr. CHANDLER. If all the committee amendments have been acted on I should like to have the bill read as amended.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the reading of the bill as amended. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That circulating notes of national banking associations and United States legal-tender notes and other notes and certificates of the United States payable on demand and circulating or intended to circulate as currency shall not be exempt from taxation under the laws of any State or Territory: *Provided*, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money or currency circulating as money within its jurisdiction.

SEC. 2. That the provisions of this act shall not be deemed or held to change existing laws in respect of the taxation of national banking associations.

Mr. HAWLEY. Does the bill come from the Committee on Finance?

Mr. SHERMAN. No.

Mr. HAWLEY. From what committee does it come?

Mr. GEORGE. From the Committee on the Judiciary. I will state that a similar bill was passed by a unanimous vote by the Committee on the Judiciary several years ago, when Judge Edmunds was chairman, and it was unanimously passed by the Senate after debate.

Mr. CHANDLER. I desire to move to amend the bill by adding after the word "taxation," in line 7, the words "as money on hand."

Mr. GRAY. I suppose that is all that could have been meant. If that is not meant by the original bill, I agree with the Senator from New Hampshire that those words should be inserted. Could it be supposed that national-bank notes are to be taxed otherwise than as money on hand?

Mr. CHANDLER. That is the explanation of the meaning of the bill, but inasmuch as the States tax money on hand, and it is the intention of the Senator from Mississippi only to provide for the taxation of United States notes when they are money on hand——

Mr. GRAY. That is to provide for their nonexemption.

Mr. CHANDLER. Like gold or silver, it seems to me the expression "money on hand" should be inserted in the proposed act.

Mr. GRAY. I think so.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "taxation," in line 7, insert "as money on hand;" so as to read:

Shall not be exempt from taxation, as money on hand, under the laws of any State or Territory.

Mr. GEORGE. I do not object to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. TURPIE. I offer an amendment to the amendment, to insert after the words "as money on hand," the words "or on deposit."

The VICE-PRESIDENT. The amendment of the Senator from Indiana to the amendment of the Senator from New Hampshire will be stated.

The SECRETARY. Add, at the end of the amendment, the words "or on deposit."

Mr. COCKRELL (to Mr. CHANDLER). Accept it.

Mr. CHANDLER. I accept the amendment, and I understood the Senator from Mississippi to accept my amendment.

Mr. GEORGE. I do not object to it, so far as I am concerned.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire as modified.

The amendment as modified was agreed to.

Mr. HOAR. I should like to move an amendment. I move to insert "gold and silver, or other coin," so that the provision will apply equally to Treasury notes and gold and silver coin of the United States. I do not suppose such an amendment is necessary, but——

Mr. GEORGE. Not at all, because the word "money" is used, which embraces gold and silver. I will read the provision:

Provided, That any such taxation shall be exercised in the same manner and at the same rate that any such State or Territory shall tax other money—

Mr. HOAR. That is another point.

Mr. GEORGE—

or currency circulating as money within its jurisdiction.

Mr. HOAR. I understand; but it is not there that I propose my amendment. I propose my amendment in the authority to tax. I do not want to have it appear that there is any distinction. Of course every Senator is familiar with the maxim *expressio unius est exclusio alterius*, and if we pass a law authorizing the taxation of United States notes as money, that is the only statute on the subject. It might be claimed that a man with a thousand or a million dollars' worth of gold coin or silver coin in a vault would get off. So I want to have inserted after the word "currency" the words "all gold, silver, or other coin," putting all money on the same footing. I suppose there will be no objection to the amendment.

Mr. TURPIE. I submit that there is no utility in the amendment offered by the Senator from Massachusetts. The only reason why we are passing any act at all on the subject is because the particular paper credit—that is, Treasury notes and others—mentioned in the proposed act are exempt by law from taxation by and under State authority. Gold and silver coin of the United States has never been so exempt. Consequently it need not now be included in the bill.

Mr. HOAR. I entirely agree with the Senator from Indiana. He is quite right. The amendment is not necessary, but it can do no possible harm, and I think it will avoid any misunderstanding; that is all. I should like to have the amendment made.

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

The SECRETARY. Add after the word "currency," in line 6:

And all gold, silver, or other coin.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. TURPIE. I hope the amendment will not be inserted in the bill. The only effect it will have will be to cast serious doubt upon the construction of the language now used. I am not mistaken as to what that is. Doubts originate soon enough and readily enough without being assisted by suggestion here. But there is no necessity for the amendment. That is admitted. The Senator from Massachusetts admits it. I think it is better that words not necessary should form no part of the enactment.

Mr. PALMER. This bill comes from the Committee on the Judiciary, and so far as I can understand it I may say that I favor the bill. Whatever language may be adopted in regard to determining the taxability of these notes satisfies me. However, I am impressed by one fact, and that is the reason why I make the inquiry I rose to make. Why is it that in the past history of the country no such law has before been enacted by Congress?

That leads me to ask the further question, Has not this subject some financial aspects? May it not in some way affect the use, the acceptability of Treasury notes and other paper issued by the Government for the purpose of circulation? Will it, in other words, affect the Treasury in the slightest degree? I am not on terms with the Treasury; I am not supposed to feel any interest in the Treasury, and hence what I say will not be likely to startle or frighten anybody. Still I recognize the fact that the Treasury just now is in a situation at least which requires attention.

Will this affect the Treasury in any manner whatever? Will it be likely to lead to the presentation at the Treasury of this class of paper? In consequence of making this class of paper subject to taxation will the Treasury be likely to be called upon for its redemption? Will this amendment affect that question in any way? I am led to doubt on that point from the fact that more than thirty years have passed since the Government commenced to issue redeemable paper, and yet that paper has never been subjected to taxation.

Now, is there any danger that this may disturb the operations of the Treasury or affect the use and acceptability of any paper described in this bill? If there is no such danger, I am then led to inquire why thirty years have elapsed and more during which such a bill has never been passed. I repeat, I will vote for the bill; but I desire to say that I am not quite sure of the wisdom of legislating in respect to paper which depends for its value upon the ability of the Treasury to redeem it upon presentation.

Mr. STEWART. Mr. President——

Mr. HALE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Maine will state his point of order.

Mr. HALE. Has the deficiency appropriation bill been taken up by the Senate?

The VICE-PRESIDENT. It has.

Mr. HALE. Then I call for the regular order.

The VICE-PRESIDENT. The Senate has been considering the present bill by unanimous consent.

Mr. GEORGE. I hope the Senator from Maine will not inter-

pose. We are very nearly through with the bill. It is a very important measure. I have the consent of the chairman of the committee for its consideration.

Mr. HALE. The bill will open the whole volume of discussion on the great question of finance. I have no doubt that the Senator from Nevada, who is on the floor at the present moment seeking recognition of the Chair, has an amendment involving the free coinage of silver.

Mr. STEWART. There is nó doubt about it.

Mr. GEORGE. I hope the Senator from Nevada will not present such an amendment.

Mr. HALE. I guessed right.

Mr. STEWART. The Senator was correct.

Mr. HALE. Therefore, when the Senator from Mississippi, with that in view, says that this bill can be disposed of in ten or fifteen minutes, or ten or fifteen hours, or ten or fifteen days, he is stating an absurdity; and I insist that the Senate shall go on with the regular order, which is the deficiency appropriation bill. I hope the Senator from Missouri will not be led into yielding for the consideration of such little bills that involve free silver and everything else.

Mr. STEWART. Will the Senator from Maine yield until my amendment can be offered?

The VICE-PRESIDENT. The amendment of the Senator from Nevada will be stated.

Mr. STEWART. Let the amendment be read.

Mr. GEORGE. I hope the Senator from Nevada will not introduce that amendment. It will not amount to anything. Let us get through with the bill.

Mr. STEWART. It is in order, is it not?

The VICE-PRESIDENT. The Senator from Nevada asks that his amendment may be read for information.

Mr. HALE. Let it be printed.

Mr. STEWART. It consists of only two short sections.

Mr. COCKRELL. Let it be read.

Mr. HALE. Read it, then.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the bill the following additional sections:

SEC. 3. That the silver coins of the United States shall be composed of standard silver. That of the silver coins the dollar shall be of the weight of 412½ grains; the half-dollar of the weight of 206¼ grains; the quarter-dollar of the weight of 103¼ grains; and the dime, or tenth part of a dollar, of the weight of 41¼ grains. And that dollars, half-dollars, quarter-dollars, and dimes shall be legal tenders of payment, according to their nominal value, for any sum whatever.

SEC. 4. That silver bullion brought to any mint of the United States for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse, at the mint, any deposit of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint.

Mr. STEWART. I will state that that is the act of 1837.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Massachusetts.

Mr. COCKRELL. I did not object when the Senator from Mississippi asked unanimous consent for the consideration of the bill, because I was assured, and he doubtless fully believed it, that the bill would be passed inside of twenty minutes.

Mr. GEORGE. It could have been passed in one minute.

Mr. COCKRELL. It was upon that assurance that I did not make an objection, but I am compelled now to ask for the consideration of the regular order, the deficiency appropriation bill.

The VICE-PRESIDENT. There is objection to the further consideration of the bill.

Mr. TURPIE. I move to take up the bill notwithstanding the objection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. TURPIE. On that I ask for the yeas and nays.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. PEFFER. What is the motion?

The VICE-PRESIDENT. The Chair will state that the pending question is on the motion of the Senator from Indiana to proceed with the consideration of the bill which has been before the Senate.

Mr. COCKRELL. It is a motion to displace the deficiency appropriation bill.

Mr. GEORGE. I think the bill can be passed in five minutes.

Mr. FAULKNER. I do not understand that it displaces the appropriation bill. It is not yet 2 o'clock.

Mr. HOAR. The appropriation bill was taken up by a vote of the Senate.

Mr. HALE. It has already been taken up.

Mr. COCKRELL. The appropriation bill is pending before the Senate, having been taken up on my motion. As a matter of course, if the motion of the Senator from Indiana prevails it displaces the appropriation bill. That is all there is about it.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Indiana [Mr. TURPIE].

The Secretary proceeded to call the roll.

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

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. MITCHELL of Oregon. I am paired with the senior Senator from Wisconsin [Mr. VILAS].

Mr. PATTON (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. WASHBURN (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but I am at liberty to vote on this question. I vote "nay."

The roll call was concluded.

Mr. CAMDEN. I wish to announce my pair with the senior Senator from South Dakota [Mr. PETTIGREW].

The result was announced—yeas 17, nays 33; as follows:

YEAS—17.

Allen,	Coke,	Mitchell, Wis.	Walsh,
Bate,	George,	Peffer,	White.
Berry,	Hansbrough,	Pugh,	
Blackburn,	Jarvis,	Roach,	
Blanchard,	Kyle,	Turpie,	

NAYS—33.

Aldrich,	Dolph,	Hunton,	Platt,
Allison,	Faulkner,	Lodge,	Power,
Brice,	Frye,	McMillan,	Sherman,
Caffery,	Gallinger,	Manderson,	Stewart.
Carey,	Gray,	Martin,	Teller,
Chandler,	Hale,	Mills,	Washburn.
Cockrell,	Hawley,	Palmer,	
Cullom,	Hill,	Pasco,	
Davis,	Hoar,	Perkins,	

NOT VOTING—35.

Butler,	Gorman,	Mitchell, Oregon	Shoup,
Call,	Harris,	Morgan,	Smith,
Camden,	Higgins,	Morrill,	Squire,
Cameron,	Irby,	Murphy,	Vest,
Daniel,	Jones, Ark.	Patton,	Vilas,
Dixon,	Jones, Nev.	Pettigrew,	Voorhees,
Dubois,	Lindsay,	Proctor,	Wilson,
Gibson,	McLaurin,	Quay,	Wolcott.
Gordon,	McPherson,	Ransom,	

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. O'NEIL of Massachusetts, and Mr. COGSWELL, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon and had appointed Mr. RICHARDSON of Tennessee, Mr. MCKAIG, and Mr. BRODERICK, managers at the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT. The deficiency appropriation bill will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. COCKRELL. I hope there will be no further requests for the consideration of bills. We will finish this bill in a very short time. I ask that the amendments of the Committee on Appropriations may be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, that course will be pursued.

Mr. CHANDLER. I have been upon the floor for sometime desiring to ask for the consideration of the resolution that I submitted, and which was under consideration yesterday, proposing an investigation of the Dominion Coal Company. In view of the admonitions of the Senator from Maine and the Senator from Missouri, I shall not make that request now, but I give notice that after the deficiency appropriation bill is disposed of I

shall press the consideration of that resolution. I now ask that the amendment of the Senator from Texas [Mr. MILLS] offered to the resolution may be perfected and printed, if I can have the attention of the Senator from Texas.

Mr. COCKRELL. That can be done when the resolution is called up.

The VICE-PRESIDENT. If there be no objection, it will be so ordered. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 5, after the word "incurred," to strike out "$12,000," and insert:

Ten thousand six hundred and forty-three dollars and twenty-two cents each, $31,929.66.

So as to make the clause read:

Intercontinental Railway Commission: To pay the salaries of the three United States commissioners of the Intercontinental Railway Commission in full for all services heretofore rendered or that may hereafter be rendered, and to reimburse them for expenses incurred or to be incurred, $10,643.22 each, $31,929.66.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert:

Bering Sea Arbitration: To enable the Secretary of State to pay E. J. Phelps and James C. Carter for their services as counsel before the Bering Sea Tribunal of Arbitration the sum of $15,000 each, $30,000.

The amendment was agreed to.

The next amendment was, on page 3, line 16, before the word "cents," to strike out "eight hundred and fifty-three dollars and ninety-six" and insert "nine hundred and fifty-six dollars and ninety-eight;" so as to make the clause read:

Salaries, chargés d'affaires ad interim: To pay amounts found due by the accounting officers on account of salaries, chargés d'affaires ad interim, for the fiscal year 1893, $8,956.98.

The amendment was agreed to.

The next amendment was, on page 4, line 2, before the word "cents," to strike out "two hundred and forty-nine dollars and nine" and insert "seven hundred and sixty-four dollars and eighty-five," and in line 4, before the word "cents," to strike out "twenty-four thousand six hundred and sixty-six dollars and thirty-eight" and insert "twenty-five thousand one hundred and eighty-two dollars and fourteen;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of contingent expenses foreign missions, being a deficiency for the fiscal year 1893, $24,764.85; in all, $25,182.14.

The amendment was agreed to.

The next amendment was, on page 4, after line 5, to insert:

For contingent expenses United States consulates, $40,000.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the word "cents," to strike out "forty-six thousand four hundred and thirty-seven dollars and four" and insert "forty-seven thousand three hundred and eighty-three dollars and eighty-eight;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of contingent expenses, United States consulates, for the fiscal year 1893, $47,383.88.

The amendment was agreed to.

The next amendment was, on page 4, after line 17, to insert:

That the accounting officers of the Treasury are hereby authorized and directed to settle the accounts of Emory H. Taunt, late United States commercial agent at Boma, in the Lower Congo Basin, for salary and expenses, by crediting him with the following sums, namely, $3,996 for the fiscal year 1890 and $4,860 for the fiscal year 1891, being the sums advanced to said Emory H. Taunt on account of said fiscal years, respectively, and for which no vouchers for the portion of the same used for his expenses can be obtained by reason of his death and the loss of his papers.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert:

To pay amounts found due by the accounting officers of the Treasury for books, $18.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to insert:

For horses and wagons: To pay amounts found due by the accounting officers of the Treasury for services rendered from July to November, 1892, fiscal year 1893, $83.17.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

To pay amounts found due by the accounting officers of the Treasury Department for advertising, fiscal year 1893, $2.87.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "hundred," to insert "and two;" so as to make the clause read:

Lands and other property of the United States: For care, custody, and protection of lands and other property of the United States, $102.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

To pay the North American Commercial Company the sum of $459, and Messrs. S. Foster & Co. the sum of $15.55; in all $474.55, for transportation and clothing furnished nine men belonging to the crew of the wrecked bark James Allen, rescued by the Bear June 12, 1894.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Payment to Donald Macmaster: To pay Donald Macmaster, attorney at law, Montreal, Canada, for services and expenses incurred in defending Deputy Collector of Customs E. H. Twohey and Special Agent C. J. Smith, arrested and tried in that city for alleged conspiracy, $1,532.98.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

Payment to J. G. McCoy: To reimburse Chinese inspector J. G. McCoy amount paid for counsel to represent the interests of the United States in the case of Charles Bodman, $20.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

Customs officers: That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to all officers of the customs whose terms of office have expired, or shall expire, before the appointment and qualification of their successors, and who have been performing, or shall perform, the duties of their respective offices after the date of such expiration, the salaries, compensation, fees, or emoluments authorized or provided by law, in each case, for the respective incumbents of the offices: *Provided*, That no such payment shall be made for any services rendered by any such officer wrongfully holding after the appointment and qualification of his successor.

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to insert:

REVENUE-CUTTER SERVICE.

To pay the Alaska Commercial Company for coal furnished United States revenue steamer Corwin in July, 1892, being for the service of the fiscal year 1892, $375.

The amendment was agreed to.

The next amendment was, on page 10, after line 22, to insert:

To pay amounts set forth in Senate executive document No. 148 of this session, for expenses of buoyage, fiscal years 1889, 1892, and 1893, $948.80.

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert:

Supplies of light-houses: To pay the Chicago, Rock Island and Pacific Railway Company for transportation furnished in January and March, 1893, being for the service of the fiscal year 1893, $1,585.62.

The amendment was agreed to.

The next amendment was, on page 12, after line 10, to insert:

San Luis Obispo light-station, California: To pay the Western Union Telegraph Company for telegrams sent for the officers of the Light-House Establishment, fiscal year 1890, 47 cents.

The amendment was agreed to.

The next amendment was, at the top of page 13 to insert:

Payment to Thomas G. Hayes: To enable the Secretary of the Treasury to pay to Thomas G. Hayes, late United States attorney for the district of Maryland, $600, the amount approved by the Attorney-General for legal services rendered, under direction of the Attorney-General, in defending the Government's title to the site of Hawkins Point light-house, Maryland.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

For appraisers' stores at Chicago, Ill.: For liquidation of outstanding contract liabilities, $189.78.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

For court-house and post-office at Helena, Ark.: For approaches and completion of building, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to insert:

Mint at Philadelphia: For incidental and contingent expenses, $16,969.37.

The amendment was agreed to.

The next amendment was, on page 16, after line 20, to insert:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $5,503.85.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to insert:

For contingent expenses, Territory of Oklahoma, to be expended by the governor, $2,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to insert:

For repairs to the Holt mansion to make the same suitable for occupancy, and for office furniture, including the items set forth hereunder in House Executive Document No. 103 of this session, $426.57.

The amendment was agreed to.

The next amendment was, on page 18, after line 24, to insert:

To reimburse the Smithsonian fund for assuming the expenses of labor and materials for repairs urgently necessary for the preservation of the Holt mansion, including the items set forth hereunder in House Executive Document No. 103 of this session, $499.45.

The amendment was agreed to.

The next amendment was, on page 20, line 11, after the word "commerce," to strike out "including expenses in the employment of counsel," and in line 13, after the word "to," to strike out "execute and enforce;" so as to make the clause read:

That the unexpended balances of the appropriations for the Interstate Commerce Commission for 1892 and 1893 are hereby reappropriated and made available for expenditure during the fiscal years 1894 and 1895, to enable the

Commission to properly carry out the objects of the "Act to regulate commerce," to give effect to the provisions of said act and all acts and amendments supplementary thereto.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to insert:

State and Territorial homes: For continuing aid to State and Territorial homes for the support of disabled volunteer soldiers, in conformity with the act of August 27, 1888, $50,000.

The amendment was agreed to.

The next amendment was, at the top of page 32 to insert:

To pay amounts found due by the accounting officers on account of transportation of officers traveling under orders under the appropriation "Pay, miscellaneous," being for the service of the fiscal year 1893, $1,008.76.

The amendment was agreed to.

The next amendment was, on page 32, after line 5, to insert:

To pay amounts found due by the accounting officers on account of transportation of officers traveling under orders under the appropriation "Pay, miscellaneous," being for the service of the fiscal year 1892, $685.12.

The amendment was agreed to.

The next amendment was, at the top of page 34 to insert:

To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1894, $278.04.

The amendment was agreed to.

The next amendment was, on page 34, after line 5, to insert:

To pay amounts found due by the accounting officers on account of freight and traveling expenses under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1893, $92.11.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

To pay amounts found due by the accounting officers on account of traveling expenses under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1892, $17.50.

The amendment was agreed to.

The next amendment was, on page 35, after line 17, to insert:

To pay amounts found due by the accounting officers on account of freight under the appropriation, "Contingent, Bureau of Ordnance," being for the service of the fiscal year 1893, $82.29.

The amendment was agreed to.

The next amendment was, on page 36, line 3, before the word "cents," to strike out "$70.50," and insert "$91.25;" so as to make the clause read:

To pay amounts found due by the accounting officers on account of medicines and medical attendance, under the appropriation "Medical Department, Bureau of Medicine and Surgery," being for the service of the fiscal year 1893, $91.25.

The amendment was agreed to.

The next amendment was, on page 36, after line 9, to insert:

To pay amounts found due by the accounting officers on account of freight and traveling expenses under the appropriation "Contingent, Bureau of Medicine and Surgery," being for the service of the fiscal year 1893, $346.18.

The amendment was agreed to.

The next amendment was, on page 37, line 2, before the word "cents," to strike out "six hundred and fifty-five dollars and forty-two" and insert "two thousand two hundred and forty-two dollars and thirty-four;" so as to make the clause read:

Contingent: To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Supplies and Accounts" (except for service over Pacific railroads), being for the service of the fiscal year 1893, $2,242.34.

The amendment was agreed to.

The next amendment was, on page 38, after line 5, to insert:

Payment on account of the Amphitrite: To pay to the Harlan and Hollingsworth Company, of Wilmington, Del., for work done and materials furnished in connection with the rebuilding of the double-turreted monitor Amphitrite, $4,891.73.

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert:

Payment to Theodore D. Wilson: For payment to Naval Constructor Theodore D. Wilson, United States Navy, for services as acting chief constructor, $1,018.63, being the difference in his pay as a naval constructor and that of chief constructor from March 4 to December 14, 1886, inclusive.

The amendment was agreed to.

The next amendment was, on page 38, after line 18, to insert:

Accounts of T. T. Caswell: The accounting officers of the Treasury are hereby authorized and directed to pass the following vouchers under the respective appropriations from which paid by Pay-Inspector T. T. Caswell, United States Navy, Navy Pay Office, Washington, D. C., namely: Charles P. Calvert, $190, appropriation "Naval War College and Torpedo School, 1892," paid October 26, 1892; C. P. Calvert, $65, appropriation "Naval War College and Torpedo School, 1893," paid November 14, 1892, and F. R. Hanna, $40.50, appropriation "Pay, miscellaneous, 1893," paid February 9, 1893.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

Remission of penalties on the Bennington: That the Secretary of the Navy is hereby authorized and required to remit to N. F. Palmer, jr., & Co., of New York City, the time penalties exacted by the Navy Department under the contracts with said company for the construction of gunboat numbered 3, known as the Concord, and gunboat numbered 4, known as the Bennington, the United States having suffered no damage by the delay in the construction of the said gunboats, and the sum of $8,600 is hereby appropriated for the purpose.

Mr. PLATT. I move to amend the amendment by inserting before the word "Bennington," on page 39, in line 8, the words "Concord and;" so as to read:

Remission of penalties on the Concord and Bennington.

Mr. COCKRELL. That is right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, after line 5, to insert:

For rent of stables, for use of the Interior Department, for part of fiscal year ending June 30, 1894, $540.

The amendment was agreed to.

The next amendment was, on page 40, line 16, after the word "repairs," to strike out "$11,000" and insert "$10,882.74;" so as to make clause read:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Botanic Garden, and the Senate and House stables; for gas and electric lighting; for use of electric-lighting plants in Senate and House wings at not exceeding $200 per month during the sessions of Congress; pay of superintendent of meters, lamplighters, gasfitters, and for materials and labor for gas and electric lighting, and for general repairs, $10,882.74.

The amendment was agreed to.

The next amendment was, on page 41, after line 11, to insert:

To reimburse B. F. Allen, special agent of the Land Office, for services and expenses incurred as such agent from August 26 to September 23, 1893, inclusive, under direction of the United States district attorney of the southern district of California, $160.50.

The amendment was agreed to.

The next amendment was, on page 41, after line 17, to insert:

GEOLOGICAL SURVEY.

To pay amounts found due by the accounting officers of the Treasury for pasturing public animals in June, 1893, being for the service of the fiscal year 1893, $77.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to insert:

Instead of the Digest of the Eleventh Census, provided in "An act to provide for the publication of the Eleventh Census," approved February 23, 1893, there shall be prepared and printed from existing plates, so far as practicable, and not to exceed 300 octavo pages, a second edition of the Abstract of the Eleventh Census, as provided in "An act to provide for further deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," approved April 21, 1894. The number of copies and distribution of such abstract shall be as provided for the Digest of the Eleventh Census.

The amendment was agreed to.

The next amendment was, on page 44, after line 24, to insert:

For stationery, fiscal year 1894, $67.27.

The amendment was agreed to.

The next amendment was, on page 45, after line 11, to insert:

For miscellaneous expenditures as set forth in Senate Executive Document No. 155, of this session, as follows:

For 1894, $484.16.
For 1893, $39.47.
For 1892 and prior years, $31.67.
For transportation, 1894, $382.13.
For purchase of books for department library, $855.55.
For reimbursement of Cecil Clay for actual expenses incurred under the direction of the Attorney-General in the matter of the sale of certain land near Fort Mifflin, Pa., under act January 6, 1893, $17.20.

The amendment was agreed to.

The next amendment was, on page 46, line 21, after the word "out," to strike out "of the appropriation for maintenance and keeping prisoners" and insert "any money in the Treasury not otherwise appropriated;" and in line 25, after the word "territorial," to strike out "prisons" and insert "penitentiary;" so as to make the clause read:

Territory of Arizona: That the Attorney-General shall pay out of any money in the Treasury not otherwise appropriated, such sums as may be found equitably due upon examination, to the Territory of Alaska for maintenance of Indian convicts in Territorial penitentiary.

Mr. COCKRELL. I move to strike out the entire clause. The committee proposed to amend it, but after reporting the amendment we find it is better to put the whole clause in conference. Therefore I ask that the amendment which has been stated be disagreed to, and that the whole clause be stricken out.

The PRESIDING OFFICER (Mr. WHITE in the chair). The question will first be on the amendment to the clause which has been read.

The amendment was rejected.

Mr. COCKRELL. Now I move to strike out the entire clause.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 6, after the word "settlement," to insert:

And to pay John F. Stone, an assistant to the United States attorney for said Territory, for services and expenses in making investigation of the claim of said W. C. Jones to ascertain what portion thereof was properly payable by the United States, the sum of $46.60.

So as to make the clause read:

Deputy marshals in Oklahoma: The Attorney-General is hereby authorized to pay the claims of certain deputy marshals named in House Execu-

tive Document No. 107 of this session, amounting to $1,542, for services at the opening of the Iowa and the Sac and Fox Indian agencies in Oklahoma and the claims of W. C. Jones, late United States marshal for the district of Kansas, amounting to $830, and of Edward P. Kelly and Jesse J. Graham, amounting to $642 each, for services and expenses in preparing for and in the opening of Oklahoma Territory to settlement, and to pay John F. Stone, an assistant to the United States attorney for said Territory, for services and expenses in making investigation of the claim of said W. C. Jones to ascertain what portion thereof was properly payable by the United States, the sum of $46.60, from the unexpended balance of the appropriation of $20,000, made by the deficiency act of July 28, 1892, for "deputy marshals in Oklahoma."

The amendment was agreed to.

The next amendment was, on page 50, after line 19, to insert:

For expenses of the judge of the United States court in the Indian Territory, $500.

The amendment was agreed to.

The next amendment was, on page 50, line 23, after the word "marshals," to strike out "for fees and expenses of marshals, United States courts, $50,000," and insert:

For defraying expenses incurred by marshals in executing orders, warrants, and processes of United States courts for the protection of property in the hands of receivers of such courts, and for the arrest and detention until trial of persons arrested for violating such orders, and resisting the execution of such warrants and processes, to be audited and allowed by the Attorney-General, $125,000.

The amendment was agreed to.

The next amendment was, on page 53, line 7, before the word "cents," to strike out "two hundred and five dollars and fifty-two," and insert "three hundred and eighty-four dollars and twelve;" so as to make the clause read:

For 1893, $20,384.12.

The amendment was agreed to.

The next amendment was, on page 53, line 19, before the word "cents," to strike out "sixty dollars and sixty," and insert "ninety-two dollars and thirty-five;" so as to make the clause read:

For 1893, $16,492.35.

The amendment was agreed to.

The next amendment was, on page 53, line 22, before the word "cents," to strike out "forty-eight dollars and sixty" and insert "three hundred and forty-three dollars and ten;" so as to make the clause read:

For 1891, $343.10.

The amendment was agreed to.

The next amendment was, on page 53, line 24, before the word "cents," to strike out "ninety-five dollars and ten" and insert "three hundred and seventy dollars and forty;" so as to make the clause read:

For 1890, $370.40.

The amendment was agreed to.

The next amendment was, on page 54, line 2, before the word "cents," to strike out "two hundred and nineteen dollars and forty-five," and insert "eight hundred and seventy-four dollars and forty;" so as to make the clause read:

For 1889, $874.40.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

For 1888, $645.60.

The amendment was agreed to.

The next amendment was, on page 54, after line 4, to insert:

For 1887, $235.80.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

For 1886, $253.35.

The amendment was agreed to.

The next amendment was, on page 54, after line 8, to insert:

For 1885, $44.70.

The amendment was agreed to.

The next amendment was, on page 54, after line 17, to insert:

For 1894, $65,000.

The amendment was agreed to.

The next amendment was, on page 54, line 22, before the word "dollars," to strike out "thirty-five thousand one hundred and twenty-eight" and insert "forty thousand eight hundred and thirty-four;" so as to make the clase read:

For 1893, $140,834.37.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

For 1892, $93.

The amendment was agreed to.

The next amendment was, on page 55, line 7, before the word "cents," to strike out "seventy-five dollars and sixty" and insert "one hundred and fifty-nine dollars and seventy-nine;" so as to make the clause read:

For 1889, $159.79.

The amendment was agreed to.

The next amendment was, on page 56, line 2, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For 1894, $20,000.

The amendment was agreed to.

The next amendment was, on page 56, line 7, before the word "dollars," to strike out "ninety-nine" and insert "one hundred and fourteen;" so as to make the clause read:

For 1888, $114.50.

The amendment was agreed to.

The next amendment was, on page 56, line 8, before the word "dollars," to strike out "fifteen" and insert "sixty;" so as to make the clause read:

For 1887, $60.

The amendment was agreed to.

The next amendment was, on page 56, line 18, before the word "thousand," to strike out "ten," and insert "twenty;" so as to make the clause read:

For 1894, $20,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

To pay the amounts reported in House Executive Document No. 184 of the present session, for pay of special assistant attorneys, $2,082.

Mr. COCKRELL. I ask that the amendment may be disagreed to, as that amount has been paid.

The amendment was rejected.

The next amendment was, on page 57, after line 16, to insert:

For payment to Edwin Walker, special assistant United States attorney, for services in the suit of Ephraim Sells and another against the province of New South Wales, in the superior court of Cook County, Ill., November, 1893, $500.

Mr. COCKRELL. I offer the amendment which I send to the desk, to come in immediately after the amendment which has just been adopted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For payment to Patrick H. Winston for legal services rendered the United States in 1893, as reported in House Executive Document No. 92, Fifty-third Congress, second session, $600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, after line 21, to insert:

To pay amounts set forth in Senate Executive Documents Nos. 148 and 165, of the present session, for inland mail transportation by railroad routes, exclusive of Pacific railroads, being a deficiency for the fiscal year 1893, $42,756.61.

The amendment was agreed to.

The next amendment was, on page 59, after line 8, to insert:

To pay amounts set forth in Senate Executive Document No. 148, of the present session, for mail depredations and post-office inspectors, being deficiencies, as follows:

For 1893, $8.

For 1892, $2,500.

The amendment was agreed to.

The next amendment was, on page 59, after line 22, to insert:

To pay amounts set forth in Senate Executive Document No. 148, of the present session, for advertising, being deficiencies, as follows:

For 1893, $140.75.

For 1892, $432.90.

For advertising, fiscal year 1894, $5,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 6, to insert:

Rent, fuel, and light: For rent, fuel, and lights for first-class post-offices, fiscal year, 1893, $2,149.66.

The amendment was agreed to.

The next amendment was, on page 60, after line 15, to insert:

To pay amounts set forth in Senate Executive Document No. 148, of the present session, for mail messenger service, being a deficiency for the fiscal year 1893, $311.40.

The amendment was agreed to.

The next amendment was, on page 61, after line 6, to insert:

Railway post-office clerks: To pay amounts set forth in Senate Executive Documents Nos. 148 and 165, of the present session, for railway post-office clerks, being a deficiency for the fiscal year 1893, $483.61.

The amendment was agreed to.

The next amendment was, on page 61, line 17, after the word "three," to insert "and Senate Executive Document No. 165, of the present session;" so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amounts set forth in House Executive Document No. 103 and Senate Executive Document No. 165, of the present session, for the fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 61, line 20, after the word

"and," to strike out "$35,792.87" and insert "$36,027.77;" so as to make the clause read:

For 1893, $636,027.77.

The amendment was agreed to.

The next amendment was, on page 61, after line 25, to insert:

Compensation of postmasters: To pay amounts set forth in Senate Executive Document No. 148, of the present session, for compensation of postmasters, being deficiencies as follows:
For 1893, $9,018.53.
For 1892, $2,293.44.

The amendment was agreed to.

The next amendment was, on page 62, after line 7, to insert:

To reimburse H. A. W. Tabor, late postmaster at Leadville, Colo., for expenditures incurred by him for rent, light, fuel, and for clerk hire from April 1, 1878, to February 4, 1879, $3,869.94.

The amendment was agreed to.

The next amendment was, on page 62, after line 13, to insert:

To reimburse William M. Keightley, late postmaster at Durango, Colo., for clerk hire paid by him from January 4, 1881, to March 31, 1882, $1,350.

The amendment was agreed to.

The next amendment was, on page 62, after line 18, to insert:

To reimburse the legal representatives of Royal M. Hubbard, late postmaster at Longmont, Colo., for rent of office paid by him from April 1, 1881, to June 30, 1883, $600.

The amendment was agreed to.

The next amendment was, on page 62, after line 23, to insert:

DEPARTMENT OF LABOR.

For contingent expenses, namely: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, expressage, storage for documents, not to exceed $500; repairs of cases and furniture, fuel and lights, soap, brushes, brooms, mats, oils, and other absolutely necessary expenses, $141.66.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

SENATE.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, fiscal year 1893, $579.50.

The amendment was agreed to.

The next amendment was, on page 63, after line 21, to insert:

For purchase of furniture, fiscal year 1893, $161.25.

The amendment was agreed to.

The next amendment was, on page 63, after line 24, to insert:

To pay P. Hanson Hiss Manufacturing Company for carpeting, decorating, and furnishings in rooms 63 and 65, Maltby Building, $220.31.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

For materials for furniture and repairs of same, exclusive of labor, fiscal year 1893, $21.02.

The amendment was agreed to.

The next amendment was, on page 64, after line 6, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, fiscal year 1893, $41.45.

The amendment was agreed to.

The next amendment was, on page 64, after line 10, to insert:

For packing boxes, $55.44.

Mr. PEFFER. I should like to have an explanation from the Senator in charge of the bill as to the amendment which has just been read in relation to packing boxes. What are they for?

Mr. COCKRELL. Senators are allowed one or two boxes a year to be used by them in sending away bulbs and plants from the Botanical Gardens, or for other such purposes.

Mr. PEFFER. Then, Mr. President, I move to strike the amendment out.

Mr. COCKRELL. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Chair will state to the Senator that the item referred to is an amendment reported by the committee, and the object of the Senator can be attained by voting down the amendment.

Mr. COCKRELL. This is to pay for a deficiency in the appropriation for packing boxes, which have already been furnished, and the Senator has had his share of them.

Mr. PEFFER. I was mistaken as to the rule of order, but I think I recognize that the furnishing of packing boxes for Senators is not a proper item of charge against the people of the United States. If I understand it correctly, they are mere private conveniences for the personal comfort of Senators, not provided for in the law, except specially from year to year in appropriation bills; and I think such an item ought not to be incorporated in an appropriation bill.

Mr. COCKRELL. Does the Senator want to cut off the packing boxes, or does he want to deprive the persons who furnished the material of their pay for what Senators have already had? This appropriation is for the past year, and the expense has already been incurred.

Mr. PEFFER. It does not matter. Senators are able to pay for their packing boxes, and I think it is an improper item either for the past or for the future.

Mr. COCKRELL. I did not understand what the Senator said, but it is a strange way of reforming to begin to repudiate an honest debt, simply because the debt ought not to have been contracted in advance. I hope the amendment will be agreed to.

The VICE-PRESIDENT. The question is on the amendment which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, after line 11, to insert:

For the rent of warehouse for the storage of public documents formerly in the Maltby Building, from June 17 to 30, 1894, $73.50.

The amendment was agreed to.

The next amendment was, on page 64, after line 15, to insert:

For services rendered and expenses incurred in protecting the building and property of the Senate of the United States from April 25 to May 10, 1894, $169.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

For miscellaneous items, exclusive of labor, $11,000.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

To reimburse Official Reporter of the Senate for moneys paid by him during the first and second sessions of the Fifty-third Congress for clerical hire and extra clerical expenses, $7,750.

The amendment was agreed to.

The next amendment was, at the top of page 65, to insert:

To pay to Florence S. Vance, widow of the Hon. Zebulon B. Vance, deceased, late a Senator from the State of North Carolina, $5,000.

Mr. COCKRELL. That amendment may be disagreed to as a similar amendment was inserted in the sundry civil appropriation bill, and has already passed the Senate.

The amendment was rejected.

The next amendment was, on page 65, after line 3, to insert:

To pay W. F. Wright, for services rendered as messenger of the Senate from September 1 to September 27, 1893, inclusive, $108.60.

The amendment was agreed to.

Mr. GORMAN. I offer the amendment which I send to the desk, to come in after line 7, on page 65.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, after line 7, it is proposed to insert:

To pay Watson Boyle for services rendered and expenses incurred in furnishing copy and superintending the publication and editing volumes of memorial addresses on deceased Senators, $600.

The amendment was agreed to.

Mr. COCKRELL. I offer, at the instance of the chairman of the Committee on Finance, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment just adopted, on page 67, it is proposed to insert:

To pay Benjamin Durfee for extra services for preparing, under the direction of the Committee on Finance, four editions of the Coinage Laws and Statistics Relating Thereto, $2,500.

The amendment was agreed to.

Mr. HALE. I ask the Senator in charge of the bill to be allowed to go back to page 52, as I was necessarily called from the Chamber for a few moments, in order that I may offer an amendment. It is to perfect a committee amendment which was inserted in the legislative, etc., appropriation bill.

Mr. COCKRELL. I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 52, after line 17, it is proposed to insert:

And clerks of the United States courts may act as United States commissioners without receiving additional compensation for their services from the United States.

Mr. HALE. That is to settle all question about the amendment I have referred to.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "eleven thousand two hundred and fifty;" so as to make the clause read:

For miscellaneous items and expenses of special and select committees, $11,250.

The amendment was agreed to.

The next amendment was, on page 68, after line 20, to insert:

To reimburse T. O. Towles, Chief Clerk of the House of Representatives, for cab hire and other expenses incurred in the service of the House, $200.

The amendment was agreed to.

The next amendment was, on page 69, after line 9, to insert:

To pay James M. Hall, for services in the document room, $40.

The amendment was agreed to.

The next amendment was, on page 69, after line 11, to insert:

To reimburse Spencer Greene for expenses incurred from January 1, 1893, to September 30, 1893, for assistant laborer in caring for building rented for use of the folding room, House of Representatives, $135.

The amendment was agreed to.

The next amendment was, on page 74, line 25, after the word "cents," to insert:

And the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to discharge the expenses justly payable on account of said prosecution.

So as to make the clause read:

The "Old Settlers" or Western Cherokee Indians, by Joel M. Bryan, William Wilson, and William H. Hendricks, commissioners, and Joel M. Bryan, treasurer, etc., $800,386.31; and the Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart by the said Indians for the prosecution of their claim as is necessary for him to discharge the expenses justly payable on account of said prosecution.

The amendment was agreed to.

The next amendment was, in the appropriations to pay judgments of the Court of Claims, on page 78, after line 18, to insert:

To John F. Appleton, $412.94; to Anthony Baines, $53.81; to Sidney D. Baker, $51.39; to Frank Barnett, $162.80; to Frank J. Beattie, $48.46; to William H. Berjew, $51.29; to John J. Bettinger, $53.81; to Benjamin Bolton, $63.44; to Cornelius V. Bowles, $350.36; to Fred. A. Brockmeier, $53.81; to William H. Brown, $28.86; to Edward Burkhart, $87.06; to Edward J. Burns, $633.32; to Henry J. Butler, $51.92; to Jacob C. Campbell, $53.81; to Frank P. Carniaux, $271.75; to Thomas F. Clarke, $59.80; to Alexander M. Cochran, $168.37; to Benjamin Cohen, $53.81; to Thomas W. Collins, $227.42; to Thomas A. Colwell, $250.10; to James J. Conklin, $163.09; to William Coombs, $511.37; to James Cosgrove, $23.63; to Abraham L. Cox, $36.35; to Charles Crawford, No. 1, $53.81; to Charles Crawford, No. 2, $87.39; to James Crosby, $53.81; to Andrew N. Crow, $78.36; to Silas D. Davis, $180.38; to William Deale, $299.73; to Charles H. De La Montaigne, $262.48; to Charles Dever, $48.46; to Solomon Devries, $189.86; to William J. Donovan, $53.81; to Maurice Downing, $511.37; to John R. Dunne, $337.40; to George E. L. Eginton, administrator of Henry Z. Eginton, deceased, $56.12; to Daniel E. Farmer, $149.24; to Abram F. Ferdon, $278.81; to William J. Finn, $111.53; to John E. Fitzpatrick, $970.68; to Dennis J. Flanagan, $38.28; to Michael Flanagan, $53.81; to Eugene Fliedner, $53.81; to Michael J. Gaffney, $52.87; to Louis Gates, $400.67; to John W. Goodwin, $53.81; to William H. Gordan, $935,19; to James F. Graham, $481.76; to John L. Graham, $262.88; to Charles F. Hague, $53.81; to John Hanley, $96.47; to Arthur W. Hanna, $992.05; to Michael J. Harney $25.33; to Oswald R. Hartwig, $300.76; to Frederick Hatfield, $87.81; to Gustav P. Helfrich, $30.05; to A. H. Hendrickson, $141.93; to Theodore C. Hennings, $53.81; to Martin L. Henry, $672.06; to James E. Hernon, $273.70; to William F. Hickey, $134.48; to Leslie Horan, $241.70; to William C. Hull, $510.69; to Aaron Jacobs, $260.59; to Bernard J. Kane, $67.15; to Constant Katz, $35.87; to Timothy Keefe, $63.44; to Robert N. Kiernan, $53.81; to Theodore F. Klentzin, $110.21; to William H. Koehler, $97; to George C. Koerber, $511.37; to Vincent Kozaak, $482.03; to George S. Lamarche, $604.25; to Henry J. Lautemann, $53.81; to William M. Lawlor, $752.39; to Herman Lewin, $392.57; to Richard H. Lewis, $298.96; to James Lynn, $56.46; to James E. Locktuin, $53.81; to John F. Loonie, $800.91; to John W. McCort, $53.81; to Thomas J. McDermott, $53.81; to Thomas E. McEneaney, $824.52; to Patrick J. McMahon, $63.44; to Daniel J. McNamara, $325.83; to William Marx, $511.37; to George S. Maison, $180.25; to Peter H. Mauborgne, $810.70; to Peter Mauch, $421.53; to Oscar J. Mendel, $127.81; to Thomas J. Merchant, $24.20; to Frank B. Merritt, $110.16; to Prospect H. Mignard, $393.97; to Charles E. Miller, $140.76; to John Miller, $272.75; to James H. Montgomery, $53.81; to Hugh Morris, $511.37; to David Mullan, $53.81; to William W. Munroe, $636.37; to John J. Murphy, No. 1, $551.22; to Thomas J. Newman, $299.49; to John F. O'Brien, $412.93; to William G. Osmond, $53.81; to Benjamin W. Pitcher, $400.67; to Walter Pitt, $511.37; to George Price, $511.37; to Jeremiah F. Quill, $336.19; to John Quinn, $342.47; to Wesley J. Randolph, $193.37; to Owen J. Reilly, $143.45; to Frederick H. Reynolds, $829.28; to Louis Reynolds, $997.92; to Jacob Rosenthal, $195.15; to Robert E. Sasserath, $235.82; to Christian Schilling, $53.81; to August Schulz, $442.53; to Benjamin F. Seckerson, $153.69; to Charles H. Sedgwick, $232.32; to Owen Seery, $752.39; to Julius Simmons, $35.56; to Henry Spalding, $119.24; to Leopold Stern, $53.81; to John H. Stark, $260.32; to Frank Start, $210.76; to Edwin P. Sutton, $511.27; to John F. Tancil, $46.41; to William F. Taylor, $142.93; to Edward H. Thieling, $58.46; to Charles R. Tice, $723.05; to Thomas W. Vought, $53.81; to Thomas J. Walker, $186.65; to Stephen D. Walsh, $226.33; to Edward Wellenkamp, $53.81; to George W. Whitney, $1,003.22; to William J. Willett, $159.80; to John Wobbe, $43.29; to Adolph J. Xylander, $34.58; to John T. Abrams, $600.83; to George W. Ackerly, $237.72; to William H. Ackerman, $48.07; to Frank T. Allen, $262.15; to Frederick W. Althisar, $51.77; to Frederick W. Althisar, $86.98; to John D. Anderson, $206.55; to Robert H. Arents, $79.91; to Robert H. Arents, $137.49; to Charles H. Ashton, $393.11; to James M. Ball, $142.61; to Edwin F. Barker, $60.42; to George J. Barrett, $261.29; to Thomas Barrett, $86.12; to William S. Baulsir, $408.01; to Fannie H. Beck and William Jackson, administrators of George E. Beck, deceased, $237.59; to Henry V. Becker, $622.32; to Andrew Beckwith, $454.23; to Thomas P. Bergin, $343.06; to George A. Blackmer, $76.90; to Catharine A. Blatchford, administratrix of Thomas A. Blatchford, deceased, $181.61; to Charles Boyle, $132.64; to Charles Boyle, $64.32; to Henry A. Boyle, $34.33; to John T. Brady, $96.60; to Dulton L. Breed, $210.77; to William H. Brice, $33.94; to Jacob Brock, $68.25; to Patrick F. Broden, $763.63; to William W. Brodie, $34.12; to John Brosnan, $425.04; to Charles F. Brower, $72,34; to Thomas Brown, $193.21; to Erastus E. Bryant, $413.19; to Hannah M. Burtis, administratrix of Benjamin G. Burtis, deceased, $76.90; to Thomas B. Butler, $76.90; to Frederick Byrd, $314.32; to Bernard J. Byrne, $76; to William P. Byrne, $306.25; to Cyrus W. Cabble, $364.89; to John L. Cain, $76.90; to Frederick K. Calnan, $121.54; to Frederick K. Calnan, $254.23; to John L. Callanan, $32.99; to Joseph J. Campbell, $500.56; to Thomas Campbell, $54.93; to Edward J. Cantwell, $91.83; to John F. Carey, $162.24; to Peter Cleary, $111.89; to Richard J. Coad, $76.90; to James Coll, $193.21; to Michael Collins, $506.75; to John F. Connelly, $33.33; to John F. Connolly, $93.14; to John W. Cooke, $547.27; to John F. Corcoran, $27.84; to John F. Corcoran, $217.08; to Reuben L. Cornell, $307.79; to Jeremiah Costello, $297.74; to Edward J. Cross, $316.14; to Samuel R. Cross, $163.78; to Edwin M. Crysler, $531.57; to William J. Davidson, $220.61; to William J. Davidson, $8.65; to Susan Davis, administratrix of Solomon G. Davis, deceased, $319.23; to James F. Dempsey, $171.66; to Nicholas T. Devlin, $521.80; to Christopher J. Donohue, $44.64; to Joseph I. Donahue, $506.75; to Dennis Donlan, $32.99; to Mesach F. Dorsey, $131.77; to Joseph Dowd, $142.69; to Joseph H. Downing, $54.93; to John J. Duffy, $233.04; to William W. Dunbar, $545.15; to Thomas J. Easop, $84.98; to Thomas J. Easop, $125.43; to James J. Eggo, $60.08; to James J. Eggo, $61.87; to Charles F. Embleton, $84.48; to George A. Fales, $41.86; to William A. Ferris, $57.33; to Richard S. Fischer, $44.19; to Thomas Flanagan, $95.49; to James Fletcher, jr., $41.86; to John F. Fletcher, $54.93; to William K. Fletcher, $552.42; to John S. Folk, $31.40; to Karl R. Forsberg, $30.13; to Edward Fowler, $163.77; to Edgar I. Francis, $54.93; to John Freelan, $43.94; to William H. Galloway, $126.33; to John S. Gaynor, $293.81; to Charles J. Graham, $506.75; to James H. Graham, $191.63; to James H. Graham, $167.89; to Harry B. Gray, $540.06; to William H. O. Green, $104.49; to Delbert Greene, $615.69; to William A. Greisch, $190.90; to William A. Greisch, $115.73; to Charles H. Hahn, $260.16; to William H. Hall, $507.27; to Emery J. Hampton, $613.88; to Thomas J. Hanan, $490.76; to George E. Handy, $525.61; to Joseph A. Haven, $414.41; to Joseph H. Heath, 155.18; to H. A. Hendrickson, $304.31; to Thomas D. Henry, $311.05; to William J. Heydinger, $513.80; to Henry L. Hilbert, $45.42; to Robert Hill, $341.01; to William F. Hill, $210.76; to Joseph A. Hirsch, $507.37; to James S. Hodnett, $20.93; to Alfred S. Hooper, $432.49; to John S. Hovell, $242.05; to Johnson C. Hull, $147.12; to Frederick A. Hunt, $202.14; to George W. Hutcheck, $664.69; to Manuel A. Ireland, $143.57; to John E. Irvine, $42.31; to Ralph Jacobs, $254.54; to William H. Jennings, $73.47; to Frank Johnson, $386.44; to Martin Kaufman, $407.36; to Robert M. Keleher, $218.70; to Charles Keller, $75.07; to Charles Keller, $46.19; to August G. Kellerman, $297.74; to John Kelly, $200.37; to Thomas A. Kelly, $76.90; to John W. King, $294.96; to Robert F. King, $371.15; to Matthew Kinn, $302.66; to Francis J. Knapp, $69.09; to Francis J. Knapp, $103.78; to John H. Kollock, jr., $211.07; to Frank F. Krey, $187.03; to Joseph Lahancka, $56.38; to Alonzo Lake, $477.15; to Joseph T. Lakeman, $54.93; to William R. Lame, $664.69; to Henry B. Lamy, $661.60; to John Lane, $309.70; to Daniel Lang, $270.04; to Charles J. Latour, $188.96; to Charles J. Latour, $141.79; to Alexander B. Lawrence, $380.31; to John Leask, $54.93; to John J. Leddy, $525.53; to Harry C. Lee, $76.90; to August Lehnert, $552.42; to James Lockwood, $507.09; to Frank P. Loder, $638.32; to Thomas P. Lougking, $54.93; o William H. Lynch $507.41; to Hiram S. Lyon, $43.26; to Hiram S. Lyon, $27.64; to E. W. McFadden, $329.03; to William F. McIntyre, $54.93; to Joseph McKenna, $214.36; to J. H. McLaughlin, $382.88; to James A. McLeer, $76.90; to Joseph H. McMullan, $16.72; to James E. J. McNally, $32.99; to James T. McNally, $50.55; to J. H. McPhilliamy, $19.45; to William A. Mackenzie, $290.80; to Dermott M. Madden, $111.92; to John J. Maher, $251.77; to John J. Maher, $55.80; to Frank M. Manson, $543.79; to Charles Marks, $362.48; to John Marston, $96.82; to Edward P. Martin, $222.65; to George W. Matthews, $94.74; to John J. Meehan, $431.91; to Percy P. Middleton, $481.35; to Edward J. Milde, $46.18; to Christian H. Moller, $554.82; to Francis A. Morris, $264.61; to William F. Morris, $126.09; to William J. Morrison, $176.81; to David J. Mott, $526.80; to Theodore F. Munn, $552.42; to Patrick J. Murphey, $54.93; to Bernard Murrin, $73.47; to Frederick W. Nash, $54.93; to Sylvester J. Nash, $147.68; to William Nathan, $530.10; to George W. Naylor, $506.75; to Joseph F. Newman, $421.53; to John J. Nolan, $96.30; to John J. Nolan, $242.05; to Hassell Nutt, $294.58; to Charles A. O'Brien, $149.75; to Patrick F. O'Brien, $462.37; to John D. O'Connell, $54.93; to William O'Donnell, $276.57; to John O'Grady, $498.52; to John O'Keefe, $367.16; to Frank L. Ohle, $394.63; to William J. Palmer, $306.92; to Thomas W. Peck, $54.93; to George W. Pettey, $288.26; to George P. Phelps, $76.90; to John M. Powers, $552.42; to Ralph E. Price, $218.76; to James Pringle, $367.73; to Robert H. Quayle, $216.73; to Patrick H. Quinn, $392.25; to Thomas J. Quinn, $239.74; to Peter F. Ralph, $32.99; to William D. Reiber, $434.65; to Thomas F. Reil, $117.48; to Francis H. Reilly, $367.97; to Francis H. Reilly, $49.44; to Francis H. Reilly, as substitute, $26.61; to Thomas Reilly, $344.60; to Thomas E. Reilly, $288.11; to Albert Rigall, $278.78; to Joseph H. Rode, $37.64; to Frederick A. Rose, $42.31; to Thomas C. Rothwell, $229.14; to John H. Rugen, $786.74; to Michael J. Rutledge, $267.39; to Joseph A. Ryan, $54.93; to Lewis D. Ryno, $72.34; to Francis E. Savage, $300.92; to William Schermerhorn, $387.80; to Peter W. Schneider, $552.42; to William J. Scott, $104.37; to Henry W. Seimer, $180.18; to William H. Shaw, $389.89; to John W. Sheppard, jr., $44.65; to James Shields, $310.07; to Abraham L. Skelton, $137.33; to Samuel F. Skelton, $56.65; to Samuel F. Skelton, $483.41; to George H. Slater, $274.65; to William W. Slocum, $187.67; to George W. Smith, $528.72; to John M. Smith, $664.69; to Samuel E. Smith, $198.13; to Samuel E. Smith, $80.32; to Thomas C. Smith, $305.56; to Augustus F. Soer, $287.30; to George W. Sparrow, $564.66; to Arthur W. Spooner, $341.18; to Nora J. Spooner, administratrix of Edward Spooner, deceased, $103; to George C. Stadtler, $72.34; to George Stanton, $540.06; to John C. Steinmann, $241.78; to William Stevens, $218.87; to Harry Stout, $54.93; to August T. Struller, $44.19; to Peter J. Sullivan, $552.08; to William A. Swinson, $291.38; to Edward Thomas, $72.34; to Wiley C. Thomas, $54.93; to William E. Thomas, $63.17; to Charles A. Thompson, $44.19; to Charles L. Tiemann, $568.88; to Henry Toelke, $46.84; to Albert E. Triquet, $138.38; to Ernest H. Trumpler, $526.80; to John C. Tully, $410.96; to Thomas S. Turner, $54.93; to Paul D. Vail, $54.93; to James R. Valentine, $198.96; to James R. Valentine, $76.39; to Abraham Van Alst, $791.89; to Albert Van Wynen, $175.21; to William H. Wall, $54.93; to Walter J. Walsh, $54.93; to John E. Walworth, $137.33; to John E. Walworth, $56.99; to John E. Walworth, $125.82; to Thomas H. Ward, $42.31; to Holly D. Waterbury, $413.28; to Louis A. Webber, $190.19; to William G. Wehr, $490.99; to James S. Weir, $523.35; to Charles H. Wetherel, jr., $42.31; to John J. Whelan, $54.93; to John S. Whistance, $179.90; to Augustus White, $282.73; to Frederick F. White, $159.43; to Adam P. Wick, $547.27; to George E. Wildey, $477.34; to Harry A. Wille, $235.63; to Howard Wilson, $162.81; to Thomas F. Wilson, $498.86; to Charles R. Young, $308.82; to George J. Young, $313.97; to Henry C. Young, $54.93; to Louis F. Zehner, $416.63; to Alexander Zundt, $42.31; to Charles S. Bagley, $33.49; to George W. Bessant, $129.69; to John Concannon, $125.83; to Edward E. Earl, $55.02; to John A. MacDonald, $52.55; to Peter J. Murray, $170.81; to Edwin A. Odell, $306.12; to Charles Patterson, $170; to Gustavus Pierrez, $311.38; to John J. Quinn, $55.39; to John J. Ryan, $77.56; to Sylvester A. Ryan, $39.86; to Leonhard Schroeder, $98.60; to Leonhard Schroeder, administrator of George C. Schroeder, deceased, $95.98; to Patrick A. Sullivan, $93.87; to George H. Von Dreele, $125.93; to John V. Williams, $142.96; to John W. Carkhuff, $206.87; to Theresa Connolly, administratrix of William Connolly, deceased, $247.87; to Franklin N. Lockman, $55.06; to William Mann, $338.68; to Cornelius B. Mettler, $388.68; to Thomas Reilly, $338.68; to James M. Ryan, $338.68; to Frederick J. Schmidt, $198.22; to Susan S. Sill, administratrix of Charles H. Sill, deceased, $324.39; to Charles H. Westendorf, $338.68; to Joseph Ackroyd, $642.90; to William C. Anderson, $352.46; to George H. Armstrong, $556.84; to Charles Asmus, $268.79; to Louis M. Augustine, $675.02; to Isaac Bonsall, $539.91; to Oscar M. Bradbury, $654.91; to Michael Bradley, $63.17; to Robert Cassidy, $382.31; to John Chase, $440.33; to Frank Clinger, $391.68; to Edward F. Connor, $266.16; to Nicholas B. Coogan, $639.91; to John W. Curran, $609.68; to Joseph H. Curtis, $120; to William Dale, $669.33; to Edwin C. Davis, $446.67; to William J. Donnelly, $615.56; to James J. Drew, $351.21; to William B. Dugan, $402.17; to Levi S. Erney, $359.65; to Joseph B. Evans, $612.85; to John Feaster, $437.39; to William E. Fetters, jr., $321.86; to George P. Fitzpatrick, $428.20; to Joseph Gifford, $428.65; to James L. Gihon, jr., $589,95; to Edward F. Gorman, $460.21; to John J. Griffin, $379.70; to John Hasson, $689.76; to Harvey P. Hinkel, $391.49; to Henry Holl, $641.59; to Godfrey Kraus, $109.

to Edward M. Lane, $572.52; to Henry F. Lilly, $678.94; to Edward Little, $123.77; to William F. Madden, $403.27; to Louis J. Martin, $309.41; to James A. McGowan, $355; to Harding J. Morrel, $330.46; to Frank A. Mutter, $322.18; to Michael Naugton, $415.52; to John D. Orr, $418.40; to Christopher C. Purcell, $325.27; to Richard F. Quinn, $607.82; to Charles H. Rigby, $526.18; to Alfred E. Rumske, $412.91; to James A. Shay, $396.22; to William Slavin, $303.13; to Frank E. Trout, $624.83; to William J. Turner, $664.52; to Charles A. Urian, $443.21; to Charles G. Wilfong, $548.06; to Milton L. Williams, $367.14; to Charles C. Young, $291.62; o John Barry, $671.13; to James P. Bracken, $676.36; to Hugh B. Carberry, $345.69; to Maurice P. Carroll, $604.45; to John E. Connolly, $285.48; to Edward J. Daily, $77.35; to Thomas A. Dames, $77.35; to Dennis J. Driscoll, $412.76; to Benedict J. Federal, $77.35; to Michael F. Fitzgerald, $593.94; to James W. Ford, $77.35; to James C. Glacken, $77.35; to Harry P. Hinkle, $200.50; to H. P. M. Horn, $67.88; to Arthur H. Jordan, $688.04; to James V. Loughran, $702.82; to A. A. McHugh, jr., $604.63; to Thomas McKeever, $96.13; to Daniel E. McMonagle, $594.73; to Edmund B. Maxwell, $325.59; to C. H. Morley, $357.05; to John J. Nathans, $77.35; to Francis X. Ryan, $6.76; to Samuel B. Trout, $686.83; to Carson J. Tully, $392.36; to Leonard W. Atwood, $62.29; to William T. Bradley, $62.29; to Arthur M. Cooke, $144.27; to George W. Dawley, $138.12; to Joseph J. Edwards, administrator of George E. Edwards, $66.21; to E. W. Halstead, $177.15; to William J. Hudgins, $216.85; to James T. Marshall, $202.63; to Max Morris, $178.64; to William H. Mosley, $126.27; to William G. Pettis, $145.46; to John R. Ross, $166.79; to Walter Ruddick, $119.62; to Cornelius F. Rudolph, $173.50; to William R. Russell, $122.94; to Samuel B. Seymour, $39.50; to R. Pollard Walker, $137.93; to Maurice D. Cannon, $170.21; to Joseph F. Bihl, $13.08; to Peter Boyle, $32.49; to Andrew M. Clemons, $32.52; to O. Edward Collins, $32.54; to Thomas F. Daly, $32.52; to George A. Daugherty, $34.85; to Henry C. Dwight, $34.85; to John Gallaher, $34.85; to Edward Halpin, $24.60; to Frank E. Healey, $27.24; to Stephen J. Hughes, $31.34; to Timothy Kelley, $34.83; to Edward B. Laugel, $34.80; to Valentine H. Lohner, $34.80; to Charles McBrien, $29.36; to Peter J. Mattimore, $34.83; to Charles R. Mayne, $24.60; to Otto E. Meissner, $32.54; to Margaret Memminger, administratrix of Adolph Memminger, deceased, $34.85; to William H. Schoonmaker, $34.17; to Spencer Stewart, $27.90; to William R. Taft, $24.60; to Cleveland B. Taylor, $19.71; to John H. Tripp, $34.85; to William M. Wagner, $6.52; to Frank P. Weiss, $25.51; to Emory P. Willey, $37.11. to John B. Willoh, $32.52; to Louis A. Berg, $250.63; to Thomas J. Brown, $250.63; to William Collister, $206.65; to Charles Colstad, $250.63. to M. A. Concannon, $182.22; to Martin S. Cunningham, $220.08; to Daniel Curran, $258.26; to Harry A. Duncan, $250.63; to George H. Foster, $250.63; to Luke Gaffey, $164.91; to Thomas Galbraith, $250.63; to David D. Geary, $250.63; to Edwin F. Gibbs, $358.09; to John J. Hanrahan, $250.63; to Thomas M. Heaney, $250.63; to William H. Hogan, $250.63; to Charles Holther, $227.58; to Peter B. Klein, $250.63; to Theodore Kramer, $197.07; to John Kuelzow, $250.63; to August Leeseberg, $250.63; to Michael H. Lyons, $334.06; to Frank McGirr, $51.56; to John F. McGrew, $322.04; to Albert C. Melhorn, $250.63; to Henry C. Moran, $250.63; to Edward O'Connell, $226.94; to Peter J. O'Connor, $131.50; to Thomas O'Neill, $334.06; to Matthew Rankin, $468.09; to Robert R. Sampson, $250.63; to William Schaefer, $250.63; to Valentine Steele, $250.63; to Henry Sumner, $250.63; to Maurice D. Sweig, $322.04; to Walter Tallman, $250.63; to W. H. Thompson, $221.52; to Maurice J. Wallace, $183.53; to William Weber, $215.41; to William H. Wiley, $22.72; to William H. Wilson, $250.63; to Rudolph R. Albrecht, $58.37; to Michael Baldwin, $210.81; to Henry C. Barlow, $281.19; to Henry P. Barnum, $97.16; to George Bartlett, $204.04; to Melvin R. Beard, $165.16; to Michael J. Bellamy, $118.16; to Charles Boland, $243.92; to George W. Bormann, $279.13; to Henry D. Buechel, $250.63; to James Burke, $250.63; to Terrence Cairns, $239.62; to Stephen Carmody, $250.63; to James Carney, $18.77; to James F. Caulfield, $231.46; to Abram C. Christian, $131.15; to William T. Clayton, $108.53; to Charles A. Closson, $286.38; to Hartwig Goetz, $346.08; to La Fayette Collins, $250.63; to George W. Cook, $281,19; to John H. Coughlan, $250.63; to John T. Croke, $236.17; to Nils J. Crona, $246.86; to William F. Culloton, $258.97; to Bryan F. Daly, $268.49; to Edward Devereaux, $246.88; to Harry F. DeWolf, $117.14; to Charles E. Doyle, $250.63; to Henry Ebert, jr., $182.15; to Joseph B. Field, $250.63; to August C. Fischer, $268.49; to Edward C. Fluegge, $61.05; to Oliver P. Ford, $268.83; to Charles H. Foley, $250.63; to Frank Foley, $180.45; to James Foley, $250.63; to Thomas J. Foley, $250.63; to Thomas J. Furlong, $236.17; to John D. Gallivan, $196.05; to Albert E. Garnett, $338.08; to John J. Gavigan, $250.63; to Patrick J. Gerrity, $185.07; to Frank F. Gilbert, $322.04; to Conrad Grau, $268.83; to John Hale, $118.50; to Wesley A. Hammond, $250.63; to Herman Harms, $153.29; to Frank E. Hartney, $241.96; to Richard A. Haussner, $118.16; to Joseph L. Hazen, $250.63; to Edwin C. Hearn, $160.50; to Thomas Hennegan, $250.63; to Berent J. Hermanson, $311.80; to John Heron, $104.98; to Henry Hildebrecht, $250.63; to Justin B. Hodge, $202.23: to James M. Hopper, $268.83; to John B. Hubbard, $250.63; to John Jacobson, $250.63: to James D. Jenson, $250.63; to Abraham D. Jones, $250.63; to Joseph Kaiser, $59.81; to Francis Kearney, $267.82; to John Kearney, $118.16; to Thomas F. Kierman, $155.74: to Conrad Klein, $298.35; to Nicholas C. Knerr, $170.19; to Herman Koschmieder, $250.63; to William Krelle, $268.49; to Gustave A. Kuehn, $185.40; to Louis N. Kurt, $346.08; to Alexius Lampe, $237.52; to August E. Larsen, $57.75; to John F. Lavin, $219.39; to John J. Lee, $215.43; to James Lynch, $250.63; to Timothy M. Lynch, $364.59; to Francis J. McDonnell, $239.79; to James H. McGee, $316.21; to Peter McGlinn, $314.12; to Stephen McGrath, $322.04; to John B. Manning, $250.63; to Thomas J. Maroney, $214,58; to Robert A. Matthews, $124.89; to George C. Miller, $250.63; to John O. Mingo, $207.95; to John H. Mitchell, $118.81; to Richard J. Moran, $217.32; to John E. Mullin, $70.33; to Herman A. Naper, $224.19; to Frances J. Nelligan, $250.63; to Nick L. Neudorf, $186.80; to Peter E. Neuses, jr., $118.16; to James E. Nolan. $250.63; to James F. Nolan, $236.17; to Frank J. O'Brien, $118.16; to Peter O'Brien, $254.09; to Patrick O'Kane, $218.15; to Charles A. Olander, $250.63; to William G. Peters, $204.65; to Conrad A. Peterson, $250.63; to Joseph B. Petrie, $173,38; to Peter J. Pinter, $214.44; to James V. A. Proudfoot, $357.72; to Herman F. Putz, $204.69; to James B. Raymond, $250.63; to Thomas Reath, $217.33; to Thomas Roney, $250.63; to Joseph J. Ryan, $250.63; to Thomas J. Ryan, $235.86; to Michael J. Scanlan, $118.16; to Charles Schlieckert, $250.63; to Charles Schoenthaler, $250.63; to Philip Schmitt, $263.12; to Herman Schumann, $572.34; to Moritz Schweim, $246.17; to August Seefurth, $250.63; to Joseph J. Simmons, $250.63; to Albert Stockman, $31.14; to Charles H. Swift, $250.63; to Fred. Tabeling, $224.26; to Charles L. Tantow, $182.22; to Jeremiah Tierney, $174.22; to Swan Turrell, $250.63; to Ernst Von Danden, $250.63; to John T. Wallace, $177.91; to Philip J. Walsh, $223.51; to Edward Ward, $25.16; to Swan A. Warn, $188.36; to John M. William, $214.58; to John G. Witt, $118.16; to Charles Woodward, $198.41; to Theodore Zech, $268.49; to James H. Burbige, $216.16; to Thomas J. Fitzsimmons, $334.79; to Frank Gerwe, $121.69; to Charles A. Hallam, $199.81; to William F. Hengelbrok, $484.27; to J. Frederick Knarr, $502.53; to Frank X. Roll, $420.57; to John J. Stretch, $378.98; to Fred Blandin, $111.57; to Charles W. Bull, $36; to George H. Covert, $740; to Gust Felgenhauer, $130.25; to Elias W. Fisher, $306.65; to Frank Friauf, $349.95; to James W. Greeley, $748.73; to Wancy Haman, $612.16; to Max W. Heck, $209.80; to Jens Johnson, $601.13; to Lucius R. Lewis, $740; to James W. Mason, $231.57; to Nicholas Murray, $568.97; to Louis P. Nelson, $79.61; to John T. Price, $105; to Charles J. Skow, $105.40; to James F. Smollen, $659.99; to William Weinecke, $748.73; to Daniel Shea, $4,087; interest on this judgment from January 7, 1891, to May 26, 1894, $552.70; to Annie M. La Tourrette, executrix of James A. M. La Tourrette, deceased, $333.75; interest on this judgment from December 27, 1893, to March 9, 1894, $2.63; to James M. Patterson and Jonathan N. Wise, executors of Alpha Wright, deceased, $450; to Robert S. Shields, $1,719.50; to Gilbert H. Ferris, $300; to Alexander B. Cooper, $383.20; to Miles B. McMahan, $126.50; to Florida Central and Peninsular Railroad Company, $2,114.71; to Frank J. Holt, executor of Parley C. Holt, deceased, $369.20: *Provided*, That this judgment shall not be paid until the Government shall be reimbursed for the amount wrongfully paid the widow of said Holt by the Post-Office Department November 5, 1885, on account of the claim covered by said judgment; to Elbert Wallace, $345; to N. M. E. Slaughter, $254.25; to Hyleman A. Lockwood, $77.50; to Ashland T. Patrick, $69.10; to Thomas W. Campbell, $36.45; to James W. Parker, $6,964.77; to Benjamin Z. Herndon, $36.80; to Abner Hazeltine, $774.95; to H. H. King, $135; to William H. Faucett, $164.45; to Benjamin R. Grymes, William Jackson, and Robert Jackson, $180; to Morris Wickersham, $90; to Charles C. Godwin, $512.60; to William W. Gilbert, $64.05; to William Zabriskie, $62.05; to Edward W. Turner, $256; to Archibald B. Calvert, $1,793.65; to McLain Jones, $372.90; to Charles H. Gorham, $146.05; to J. A. Thorn, $259.55; to Elbert Wallace, $111.50: to Charles C. Waters, $315; to Frank M. Hunter, $382.60; to William M. Van Dyke, $900; to the Boston Ice Company, $2,300; to John T. Green, $510.75; to William P. Dryden $153.47; to Thomas W. Hotchkiss, $3,054.50; to P. W. Magruder, executor of Henry C. Allen, deceased, $248.80; to William M. Van Dyke, $1,106.55; to John A. Sigler, $5.70; to Henry K. White, administrator of Samuel Thompson, deceased, $165.53; to William Nelson, $1,127.60; to George W. Ackerly, $41.43; to Patrick F. Doherty, $378.23; to Charles H. Hahn, $116.57; to John W. Hunter, $55.62; to Robert M. Kelleher, $24.13; to Percy P. Middleton, $56.65; to Charles W. Morton, $434.66; to John F. Pool, $54.93; to Daniel J. Reardon, $396.32; to John Sharkey, $190.58; to Solomon Styler, 240.37; to William E. Thomas, $339.73; to David L. Van Houten, $345.56; to Frederick H. Webber, $311.74; to James H. Woodward, $44.29; to Thomas C. McMahon, $231.06; to Morris Kirkpatrick, $82.

Mr. COCKRELL. Some of the names in the list of these judgments of the Court of Claims have been misprinted. In line 17, on page 82, the name "Gordan" should be "Gordon;" on page 93, line 24, the name "Connelly" should be "Connolly;" on page 95, in line 11, the name "Mesach" should be "Meshach:" so as to read "Meshach F. Dorsey;" on page 104, line 19, the name "Murphey" should be "Murphy;" on page 111, line 12, the name "Vail" should be "Vaill;" on page 118, line 13, "Harvey P. Hinkle" should be "Harry P. Hinkle;" on page 124, line 8, the name "Daugherty" should be "Dougherty;" on page 124, line 24, in the name "Valentine H. Lohner" the "H" should be stricken out; on page 130, line 23, the name "Coetz" should be "Goetz;" on page 134, line 9, the name "Jenson" should be "Jensen;" in line 18, on page 134, the name "Kierman" should be "Kiernan;" on page 136, line 21, the name "Frances" should be "Francis;" so as to read "Francis J. Nelligan;" and on page 137, line 21, in the name "Peter J. Pinter" the "J" should be stricken out and the letter "G" inserted.

The PRESIDING OFFICER. The amendment will be modified as indicated, if there be no objection. The Chair hears none. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 147, line 12, before the words "in all," to insert:

To Southern Pacific Company, $1,809,539.70.

And in line 15, before the word "cents," to strike out "one million thirty-eight thousand six hundred and ninety-eight dollars and twelve" and insert "three million eighty-three thousand seven hundred and eighty-five dollars and eighty-five;" so as to make the clause read:

To Southern Pacific Company, $1,809,539.70; in all, $3,083,785.85. *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. WHITE. I desire to ask the Senator from Missouri a question in reference to this item. For the information of the Senate I ask on what account the appropriation is proposed to be made?

Mr. COCKRELL. It is to pay a judgment of the Court of Claims rendered in favor of the Southern Pacific Company, and it does not include anything that is in controversy between the Government and the company.

Mr. WHITE. I ask the Senator whether all judgments of the Court of Claims which have become final are included in the bill? Is it the design of the Senate Committee on Appropriations to pay all judgments against the United States rendered by the Court of Claims?

Mr. COCKRELL. All final judgments except those in relation to the bonded railroads.

Mr. WHITE. I have personally had some doubt as to whether this appropriation ought to be made, because of the unsettled condition of the Government's claims, not only against the railroads, but against the persons who own the stock in those roads. The matter being unadjusted, the question arises whether it would not be better to permit the matter to remain unsettled until the Government claims can be fully adjusted as between all those parties and the Government. I suppose, however, that the committee have investigated the matter very fully.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 148, line 1, after the word "forty-two" to insert "and Senate Executive Document No. 149," and in line 5, before the word "cents," to strike out "forty-seven thousand one hundred and thirty dollars and fifty-two" and insert "forty-nine thousand and sixty dollars and eighteen;" so as to make the clause read:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Executive Documents Nos. 59 and 242, and Senate Executive Document No. 149, and which have not been appealed, $49,060.18, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

Mr. COCKRELL. I move to amend the amendment by striking out the word "Document" and inserting "Documents," and after the number 149, to insert "and 169," so that it will read, "and Senate Executive Documents Nos. 149 and 169."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 148, line 14, after the word "Executive," to strike out "Document" and insert "Documents;" in line 15, after the word "seven," to strike out "of this session;" in the same line, after the word "two," to insert "numbered 82 and 128, and Senate Miscellaneous Document numbered — of the present session;" and in line 19, before the word "thousand," to strike out "one hundred" and insert "two hundred and fifty;" so as to make the clause read:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments of the Court of Claims in Indian depredation cases in the order in which they are certified to Congress in Senate Executive Documents No. 7, parts 1 and 2, Nos. 82 and 128 and Senate Miscellaneous Document No. —, of the present session, $250,000, etc.

Mr. COCKRELL. I move to amend the amendment by inserting in the blank the number 249.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 150, after line 11, to insert:

Fox and Wisconsin River improvement: To pay the judgments and awards rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, Wisconsin, under the act of March 3, 1875, as reported to Congress by the Attorney-General and set forth in Senate Executive Document No. 90, of the present session, $6,263.64.

The amendment was agreed to.

The next amendment was, on page 158, after line 9, to insert:

For barracks and quarters, $4,333.53.

The amendment was agreed to.

The next amendment was, on page 159, line 9, after the word "service," to strike out "except the claim of the Security Insurance Company, for $4,000, ten," and insert "fourteen;" so as to make the clause read:

For horses and other property lost in the military service, $14,952.11.

The amendment was agreed to.

The next amendment was, on page 162, after line 10, to insert as a new section:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1892, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 152, Fifty-third Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

STATE DEPARTMENT.

Foreign intercourse: For salaries, consular service, $298.18.
For pay of consular officers for services to American vessels and seamen, $105.50.

TREASURY DEPARTMENT.

Internal revenue: For salaries and expenses of agents and subordinate officers of internal revenue, $52.75.
For refunding taxes illegally collected, $253.67.
Independent Treasury: For contingent expenses Independent Treasury, $5.14.
Under Smithsonian Institution: For preservation of collections, National Museum, $26.67.
Miscellaneous: For suppressing counterfeiting and other crimes, $5.
For fuel, lights, and water for public buildings, $9.50
For furniture and repairs of same for public buildings, 75 cents.
For salaries, governor, etc., Territory of Washington, $195.68.
For salaries of district marshals, $250.

WAR DEPARTMENT.

For lighting, etc., Executive Mansion, etc., $24.75

INTERIOR DEPARTMENT.

For stationery, Department of the Interior, $12.
For investigation of pension cases, Pension Office, $10.02.
Public land service: For Geological Survey (except for service over Pacific railroads), $547.12.
For surveying the public lands, $3,233.34.
For contingent expenses of land offices, $1.20.
For reimbursement to receivers of public moneys for excess of deposits, $553.

DEPARTMENT OF AGRICULTURE.

For vegetable pathological investigations and experiments (except for service over Pacific railroads), $33.85.

DEPARTMENT OF JUSTICE.

For fees of commissioners, United States courts, $1,242.70.
For rent and incidental expenses, Territory of Alaska, $107.50.
For rent of court rooms, United States courts, $350.
For fees of district attorneys, United States courts, $2,035.
For pay of special assistant attorneys, United States courts, $15,000.
For fees of clerks, United States courts, $37.30.
For fees of supervisors of elections, $3,365.
For excess of deposits, $120.60.
For fees and expenses of marshals, United States courts, $713.76.
For fees of witnesses, United States courts, $197.70.
For support of prisoners, United States courts, $1,617.20.
For pay of bailiffs, etc., United States courts, $100.
For miscellaneous expenses, United States courts, $645.53.

CLAIMS ALLOWED BY THE FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For repayment to importers excess of deposits, customs, $137.81.
For expenses of Revenue Cutter Service, $147.98.
For Life Saving Service, $28.09.
For collecting the revenue from customs, $53.
For repairs and incidental expenses of light-houses, $10.24.

WAR DEPARTMENT CLAIMS CERTIFIED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay, etc., of the Army (except for service over Pacific railroads), $9,617.94.
For contingencies of the Army, $62.89.
For medical and hospital department, $12.25.
For publication of official records, war of the rebellion, $3.22.

INDIAN CLAIMS REPORTED BY THE SECOND AUDITOR AND THE SECOND COMPTROLLER.

For incidentals in California, including support and civilization, $5.
For incidentals in South Dakota, $30.50.
For incidentals in Washington, including employés, support, and civilization, $215.55.
For buildings at agencies and repairs, $12.98.
For transportation of Indian supplies, $2,236.43.
For Indian schools, support, $5.
For Indian school, Phœnix, Ariz., $3,896.11.
For support of Pawnees, schools, $43.21.
For fulfilling treaties with Delawares, proceeds of lands, $6,010.50.
For fulfilling trreaties with Iowas, proceeds of lands, $58.34.
For fulfilling treaties with Kaskaskias, Peorias, Weas, and Piankeshaws, proceeds of lands, $1,287.
For support of Navajoes, $40.06.
For support of Sioux of different tribes, subsistence and civilization, $1.
For pay of Indian agents, $585.87.
For telegraphing and purchase of Indian supplies (except for service over Pacific railroads), $4,074.34.

INTERIOR DEPARTMENT CLAIMS REPORTED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For fees of examining surgeons, Army pensions, $234.50.
For Army pensions, $924.10.

WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For subsistence of the Army, $260.01.
For transportation of the Army and its sup plies (except for service over Pacific railroads), $849.41.
For regular supplies, Quartermaster's Department, $3,527.68.
For incidental expenses, Quartermaster's Department, $251.85.
For barracks and quarters, $5,286.11.
For horses for cavalry and artillery, $375.
For 50 per cent of arrears of Army transportation due certain land-grant railroads, $33.18.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $21.63.
For transportation of officers and their baggage, $154.60.
For horses and other property lost in the military service, $26,462.14.
For improving Little River, Missouri, 13 cents.
For improving Little Red River, Missouri and Arkansas, $1.05.
For improving Little Red River, Arkansas, $4.09.
For improving Grass River, New York, 30 cents.
For Signal Service, pay, etc., $222.26.

CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, $8,539.10.
For pay, miscellaneous, $893.41.
For pay, Marine Corps, $36.20.
For construction and repair, Bureau of Construction and Repair, $138.95.
For steam machinery, Bureau of Steam Engineering, $12.
For provisions, Navy, Bureau of Supplies and Accounts, $21.34.
For medical department, Bureau of Medicine and Surgery, $54.78.
For enlistment bounties to seamen, $366.67.
For bounty for the destruction of enemies' vessels, $3.
For destruction of clothing and bedding for sanitary reasons, $1,130.16.
For indemnity for lost clothing, $1,018.34.
For gratuity to seamen, $100.
For mileage, Navy, Graham decision: For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States, $9,637.01.
For Navy pensions, $27.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue, as follows:
For canceling machines, $14,093.72.
For rent, light, and fuel, $2,115.24.
For clerk hire, $1,274.31.
For compensation of postmasters, $1,843.89.
For special-delivery service, $2.

For mail bags and catchers, 25 cents.
For railway post-office clerks, $73.36.
For inland mail transportation, railroads, $475.50.
For advertising, $41.40.
For inland mail transportation, star routes, $383.84.

The amendment was agreed to.

The next amendment was, on page 172, after line 11, to insert:

SEC. 4. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1892, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 164, Fifty-third Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

STATE DEPARTMENT.

Foreign intercourse: For salaries, consular service, $1,149.45.
For International Exposition at Paris in 1889, $4.66.

TREASURY DEPARTMENT.

Mints and assay offices; For contingent expenses, assay office at New York, $49.33.

INTERIOR DEPARTMENT.

Public lands service: For surveying the public lands, $4,763.73

DEPARTMENT OF JUSTICE.

Judicial: For fees and expenses of marshals, United States courts, $2,152.35.
For pay of special assistant attorneys, United States courts, $250.
For fees of commissioners, United States courts, $14.90.
For fees of jurors, United States courts, $431.90.
For support of prisoners, United States courts, $220.66.
For pay of bailiffs, etc., United States courts, $154.
For miscellaneous expenses, United States courts, $10.50.

CLAIMS ALLOWED BY FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For supplies of light-houses, 1890, 69 cents.
For expenses of buoyage, 1890, 80 cents.
For Life-Saving Service, 1892, $164.52.

CLAIMS ALLOWED BY SECOND AUDITOR AND SECOND COMPTROLLER.

WAR DEPARTMENT.

For pay, etc., of the Army, $895.07.

INTERIOR DEPARTMENT.

For telegraphing and purchase of Indian supplies, 1894, $1,013,74.

WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

For transportation of the Army and its supplies, $98.50.
For regular supplies, Quartermaster's Department, $17.30.
For barracks and quarters, $10.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, $313.04.
For bounty for the destruction of enemies' vessels, $2.92.
For mileage, Navy, Graham decision, for the payment of claims for the difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States, $437.67.
For Navy pensions, $60.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For rent, light, and fuel, $18.
For mail bags and catchers, 10 cents.
For clerk hire, $23.32.
For star service, $2,247.16;
For railroad transportation, $1.17;
For compensation of postmasters, $138.87;
For canceling machines, $32.97.

The amendment was agreed to.

The next amendment was, on page 176, after line 8, to insert:

SEC. 5. For payment of the claims reëxamined and certified to Congress in Senate Executive Document No. 98, Fifty-third Congress, second session, $35,791.67.

The amendment was agreed to.

Mr. COCKRELL. I offer an amendment to follow immediately after the amendment just adopted. It is for the payment of claims which have been certified since the bill was reported.

The SECRETARY. Insert after line 13, on page 176:

For payment of the claims reëxamined and certified to Congress in Senate Executive Document No. 133, Fifty-third Congress, second session, $18,661.67.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, at the end of the bill:

For payment to the Annapolis and Elk Ridge Railroad Company amount of certified claim heretofore reported to Congress, and reëxamined and reported in Senate Executive Document No. 118, Fifty-third Congress, second session, $9,720.

For payment of the following claims on account of horses lost in the military service heretofore certified to Congress, namely: To the Globe Mutual Insurance Company of St. Louis, Mo., $4,000.

To the St. Louis Floating Dock Insurance Company, $4,000.

To pay William H. Moore amount certified to be due for mail service, fiscal year 1861, in House Executive Document No. 32, page 52, Fiftieth Congress, first session, $93.25.

That the sum appropriated in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, to be paid instead to the administrator of Thomas Gilliat, deceased, the original sufferer.

Mr. COCKRELL. I move to amend the amendment by striking out the word "to," in line 12, on page 177, and inserting "shall;" so as to read "shall be paid."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. COCKRELL. I offer an amendment to come in on page 43, after line 7.

The SECRETARY. On page 43, after line 7, insert:

To pay for supplies furnished the Indian Service in 1873 and 1874, and reported to Congress in Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to-wit:
To Edward N. Fish & Co., $1,800.
To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.
To Bowers and Richards, assignees of James M. Burney, $3,534.76.
To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The amendment was agreed to.

Mr. COCKRELL. On page 5, after line 4, I move to insert what I send to the desk.

The SECRETARY. On page 5, after line 4, insert:

The accounting officers of the Treasury are hereby authorized and directed to examine the accounts of A. G. Studer, late consul at Singapore, and allow him credit for unofficial fees received by him for notarial and unofficial services performed by him during the period of his said consulship at Singapore, and by mistake paid by him into the Treasury.

The amendment was agreed to.

Mr. MANDERSON. I offer an amendment. On page 28, after line 17, I move to insert:

Pay for rent of rifle range: For rent of rifle range at Bellevue, near Omaha, Nebr., to Henry T. Clarke, rent being from July 1, 1891, to July 1, 1894, $1,800, to be received in full of all claims for said rifle range to the last-named date.

This rifle range is at the little town of Bellevue, 3 or 4 miles from the city of Omaha. It was rented by the Quartermaster's Department in 1886 and has been used continuously for the competitive shooting of the Department of the Platte from that time to this. I have myself visited it frequently, and I have personal knowledge of the fact that every year the troops go into encampment there during most of the summer and use this range. They have improved it in the way of putting up rifle butts to stop the balls and so on. The rent was paid up to the 1st of July, 1891. Since that time it has not been paid.

There was a little question of disputed ownership, some parties claiming that as the ground had been laid out in town lots at one time they were entitled to pay for the streets and alleys which had been dedicated to public use. That was probably the occasion of the difficulty. Since July 1, 1891, the rent has not been paid. The amount agreed upon by the Government was $600 a year for the use of this large tract of land. I have here a communication from the chief quartermaster of the Department of the Platte to the Quartermaster-General of the Army, as follows:

All papers returned with statements of Mr. H. T. Clarke, and maps showing the lands used as a rifle range and described in indorsement of inspector of small arms practice, Department of the Platte. The lands in question were leased from H. T. Clarke in 1886, and have been occupied and used continuously by the United States from that date up to the present time, and rent was paid to him up to the close of the fiscal year ending June 30, 1891, and no other parties have made any claim for rent, or the use of the land, until this made by Messrs. Nolan and Martin, as citizens of the village of Bellevue—they representing that the village of Bellevue owned about 42 acres of the land in question, and were entitled to one-third of the amount appropriated by the act of Congress approved March 3, 1893.

This claim is understood to be based upon the streets and alleys laid out in the plat of the village; but that they are not used as such is evident from the fact that the ground has been used as a rifle range for several months in each year since the land was first leased by the Department. The question also arises whether under any circumstances the village authorities would have a legal right to claim or accept rent for the use of streets and alleys that have been dedicated to the public. When the land was first leased from Mr. Clarke, he went to considerable expense in clearing and leveling the ground, cutting out underbrush, sinking wells, etc., in order to make the place suitable for the purposes required, and rent has been paid to him only, and to no one else, by the United States, for the use of the land, the last payment being for rent to July 30, 1891, at the rate of $600 per annum.

Attention is respectfully invited to the third paragraph of Mr. Clarke's letter of May 23, 1894.

I have personal knowledge of this matter and know that it is a just claim for the amount named. I hope there will be no opposition to the insertion of the item in the appropriation bill. I have telephoned to the War Department, and I will obtain and hand to the committee before the bill goes into conference the report of the Quartermaster-General himself ratifying this letter of the chief quartermaster of the department.

The PRESIDING OFFICER (Mr. MARTIN in the chair). The question is on agreeing to the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed

to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed the bill (S. 1896) to provide for the payment of 8 per cent greenback certificates of the District of Columbia, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 829) granting an honorable discharge to Cyrus Payne, and it was thereupon signed by the Vice-President.

APPROPRIATION FOR PROVIDENCE HOSPITAL.

Mr. SHERMAN. Mr. President, the Sisters of Charity who have charge of the Providence Hospital feel very much hurt at a remark made by a Senator upon the floor yesterday, which I will read. I have been hoping he would come in. They wish me to make a correction. The Senator from New Hampshire [Mr. GALLINGER] said:

The appropriation for the Providence Hospital specifies that they shall have 95 patients, for which they shall receive $19,000, or $200 per patient. That strikes me as being a very remarkable provision. I do not know how long patients are sick in hospitals in the city of Washington, but it seems to me they do not average an expense of $200 each, yet this lump amount is given to this hospital, and there are to be 95 patients, and no more, and the hospital is to get this compensation for that purpose.

This statement conveys the idea that these sisters only take care of ninety-five patients in the course of a year. Instead of that they take care of several hundred patients in the course of a year. Under the arrangement made with the Government, a contract which has been of long standing, they get about $200 for a bed. They have ninety-five beds always occupied by persons designated by the District Commissioners and other authorities of the city. So instead of ninety-five patients they have several hundred patients in the course of the year. A patient may go there and stay a day or two, but there are always ninety-five places reserved—reserved for patients who are under the care of these sisters. They get $200 a year, and the authorities here are to take care to keep the beds occupied during the whole year. Therefore the beds are constantly filled. The impression that they get only ninety-five patients is a great mistake, and they feel that great injustice has been done them by this statement.

I take pleasure in saying that my attention was very early called to this hospital. Thaddeus Stevens took the greatest personal interest in Providence Hospital before the war, and during the war my attention was called to it very often, and I have watched its work. I have been there several times to see persons who have been there lying sick in bed. I know it is the case that instead of entertaining ninety-five patients they entertain five or six hundred. A patient may go there overnight sick and he may stay only a day or two. His bed is vacant when he recovers and is in fit condition to go out, and some one else fills the place.

The sisters are paid only $200 a year for the bed and for the care and sustenance and nurture of those who may occupy the 95 beds, and they are almost constantly occupied.

I look upon Providence Hospital and Garfield Hospital as two of the most valuable charitable institutions of this city, and I take great pleasure in making this correction of the error the Senator from New Hampshire fell into. I make the correction for the benefit of the sisters there and at their request.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7477) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

Mr. HUNTON. I wish to offer an amendment. On page 163, at the end of line 12, I move to insert as a separate paragraph:

To enable the Secretary of the Treasury to pay to Silas Q. Howe, surviving partner of W. T. Pate & Co., the sum of $19,662.19, being the sum audited under section 3220, Revised Statutes, and set forth in Senate Executive Document No. 46, Fiftieth Congress, second session, being the sum paid by said firm as taxes on distilled spirits in excess of the quantity withdrawn by said firm from bonded warehouse.

Mr. COCKRELL. That amendment can not come at that place, if at all. That is where the claims allowed by the First Comptroller are provided for. There is a specific class of claims *stated there. It would disarrange the* whole bill.

Mr. HUNTON. Then I ask that my amendment may come in on page 9, at the end of line 23.

Mr. COCKRELL. Mr. President, this claim is an old stager. It has been before the Senate for nearly twenty years, I think.

Mr. HUNTON. Oh, no.

Mr. COCKRELL. I beg the Senator's pardon. I have been here nearly twenty years and it was one of the first claims presented to the Committee on Claims after I came here. I am speaking by the record. I can give the Senator the history of the claim.

Mr. HALE. It is older than any of us.

Mr. COCKRELL. It is even older than the Senator's service in the Senate and in the House. It has been before the Finance Committee, and it has been before the Committee on Claims. It is an old matter. At the urgent solicitation of the friends of these gentlemen, or those who represent them, the claim was put on the deficiency appropriation bill once or twice, but it has always been rejected by the other House. It is a claim pure and simple. It arises upon a distillery that was seized by a revenue collector years and years ago. I should like to see the document the Senator refers to about its being audited. Has the Senator that document?

Mr. HUNTON. No; I have it not here. This was in the bill before.

Mr. COCKRELL. It has been put in the deficiency appropriation bill once or twice; but unless it can be shown that it is an audited claim, it is just the kind of claims pending before all of the committees here, which have been pending for years and years. That is my recollection of the matter. Unless there is an estimate for it and a report from the Treasury Department, I make the point of order that it is a claim, and that under clause 4, Rule XVI, it is not in order.

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. HUNTON. I suppose the first question to be decided is the point of order. I beg leave to say in regard to that, that while there has been no estimate made for the claim in the Book of Estimates for this session of Congress, it was estimated for in the last Congress. Whether that will bring the case within the point of order or not I am not parliamentarian enough to determine. But there is another matter which meets the point of order, and which my friend, I think, will agree meets it when I shall mention it to him. I beg the Senator's attention to what I am about to say. The rule, as I understand it, does not make this amendment amenable to the point of order. The rule is in the following language:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

The rule does not make an amendment amenable to a point of order where it is a treaty stipulation, or act, or resolution previously passed by the Senate during that session. I hold in my hand a bill passed for the relief of this very party at the present session of Congress. It was passed by the Senate May 19, 1894. So if there was no other mode of meeting the point of order that would be quite sufficient, and my friend, I suppose, will admit it.

Mr. COCKRELL. No, Mr. President, I can not admit that under such a construction of the rule it has ever been held by this body that because the Committee on Claims considered a bill and passed it, therefore it was in order to offer it as an amendment to an appropriation bill. It has never been so held. We have now, I suppose——

Mr. HUNTON. If the Senator will allow me, he misunderstood me. I did not say the Committee on Claims had reported it, but I said——

Mr. COCKRELL. Did not the Committee on Claims report it?

Mr. HUNTON. The Committee on Claims reported it, and the Senate passed it.

Mr. COCKRELL. So I am saying. I say it has never been held, when the Committee on Claims or any other committee of the Senate considering a claim has reported in favor of it and the Senate has passed it and sent it to the House and no action has been taken, that such claims were in order. I have constituents, a dozen of them, whose bills have been passed year by year, and upon this identical bill I refused to put a claim that was insisted upon by the attorney. The bill has passed the Senate three different times and the money is lying in the Treasury, aud it is only a question as to the identity of the individual to enable him to draw it.

As I said, this is a claim pure and simple, notwithstanding the Committee on Claims has reported in favor of it and the bill has passed the Senate. The Committee on Public Lands reports claims to refund moneys to officers and matters of that kind, and they pass here. We do not put them on this bill. If you establish that precedent you simply compel the Committee on Appropriations to do all the business of all the committees of the Senate. Senators are complaining that the Committee

on Appropriations absorbs jurisdiction. On the contrary, we have done all that we possibly could to prevent the assumption of anything that did not legitimately come before us. We read this rule:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill.

We adhere to that rule that you made for our guidance. The amendment of the Senator from Virginia is a private claim. It makes no difference what construction the Senator may put upon the first clause of the rule, here is a sweeping clause at the end of it which says that:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or treaty stipulation, which shall be cited on the face of the amendment.

Mr. HUNTON. It is not often, sir, that I would dare to undertake to enlighten the Senator from Missouri upon a point of order. He has stated with a great deal of confidence that the ruling of the Chair was never had sustaining an amendment of this sort, because it was embodied in an act which had passed the Senate. That is the position taken by the Senator from Missouri. I ask what is the meaning of the word "act" in the rule? It does not mean a law. It says an act that has passed the Senate.

Mr. HALE. Mr. President——

Mr. HUNTON. I have not yielded the floor.

Mr. HALE. I was going to ask the Senator a question.

Mr. HUNTON. I will hear the Senator with pleasure.

Mr. HALE. We have had this up a good many times, and the Senator from Ohio [Mr. SHERMAN] has ruled upon it as President *pro tempore*, as also the former Senator from Vermont, Mr. Edmunds, I remember. Their interpretation was that that is not an act or resolution passed by the Senate, but it is to conform to some existing law or treaty stipulation or act, which is a completed act, or resolution previously passed by the Senate during that session. The Senate can, by a resolution upon a distinctive matter, make it in order. It may take a subject-matter and declare that it shall be in order upon an appropriation bill. But I have never known it held—if it has been done it was exceptional—that the word "act" there simply refers to a bill reported by a committee and passed through this body, which does not make it an act.

Mr. HUNTON. I should like to know from the Senator from Maine and the Senator from Missouri what the word "act" in the phrase "act passed by the Senate" means. It does not mean a law passed by both Houses of Congress. It says, "an act, or resolution passed by the Senate at that session."

Mr. HALE. The Senator does not get the point. It does not say "act, or resolution passed by the Senate," because if it did there would be no comma there. It makes distinctions. It says, "or treaty stipulation, or act," then a comma, "or resolution previously passed by the Senate during that session." It is not an act that is passed by the Senate.

Mr. HUNTON. I have it here and it reads, "or act, or resolution."

Mr. HALE. Does not the Senator notice that there is a comma there? If says "or act," then it reads "or resolution previously passed by the Senate." Both Houses have the right to make provisions in order.

Mr. HUNTON. I beg the Senator to let me conclude my remarks.

Mr. HALE. Certainly; I do not want to interrupt the Senator.

Mr. HUNTON. I am sure the Senator does not.

Mr. HALE. But he loses the point.

Mr. HUNTON. If it is an act passed by the Senate, then it is a bill which has proceeded that far to become a law and has not become a complete law because the other House has not acted upon it and the President has not signed it, but it is an act or resolution which has passed the Senate at this session. I maintain, and I maintain with a great deal of confidence, that wherever that is the case, if it has passed the Senate at this session in the shape of a bill or resolution, although it may not have reached the other House or the President, it is in order to offer it as an amendment to an appropriation bill.

The Senator from Maine and the Senator from Missouri have stated with a great deal of confidence that there has never been such a ruling as this; that, on the contrary, all the rulings have been the other way. I am not familiar with the precedents of the Senate, but I have before me a copy of the CONGRESSIONAL RECORD which contains a case identically in point, in which the Presiding Officer ruled that an act passed by the Senate was within the meaning of the exception of the rule in regard to offering amendments to appropriation bills. I can not read it all. The Presiding Officer—I think the Senator from Tennessee [Mr. HARRIS] was in the chair at the time—said:

The Senator need not, so far as the enlightenment of the Chair is concerned, argue as to what the word "act" in the rule means.

Mr. PASCO. I was arguing for the benefit of the Senator from Maine.

For the Senator from Maine seems to have made this same point at that time.

The PRESIDING OFFICER. The Chair holds the word "act" in that rule means a bill passed either House, even though it has not passed the two Houses and become a law.

Mr. HOAR. I should like to ask the Senator from Virginia a question, if he will allow me.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. HUNTON. I would prefer to finish, but if the Senator insists upon it I will yield.

Mr. HOAR. No, I do not insist if the Senator prefers to go on; but I wanted simply to ask him about this language.

Mr. HUNTON. Well, sir; go on.

Mr. HOAR. If the Senate passed a number of claims at the first session of a Congress, does anybody suppose that it would not be in order to put them on an appropriation bill and at the same time it would be in order to put on an appropriation bill claims passed at the second session?

Mr. HUNTON. I am not called upon to decide that question.

Mr. HOAR. In other words, what force, according to the Senator's argument, is there in the limitation of the rule to resolutions passed during that session?

Mr. HUNTON. I beg to show the Senator that this bill has been passed at this very session. It was passed on the 14th of July, 1894, so that it is an act passed by the Senate at this identical session. But I was going on to show the ruling of the Chair (the Senator from Tennessee [Mr. HARRIS] in the chair) upon this identical question when the point of order was raised on an amendment offered by the Senator from Florida [Mr. PASCO]:

The PRESIDING OFFICER. The Senator need not, so far as the enlightenment of the Chair is concerned, argue as to what the word "act" in the rule means.

Mr. PASCO. I was arguing for the benefit of the Senator from Maine.

The PRESIDING OFFICER. The Chair holds the word "act" in that rule means a bill passed by either House, even though it has not passed the two Houses and become a law.

Now, there is a ruling of the Chair in which he expressly maintained and expressly decided that where a bill had passed the Senate during the present session making a provision for the payment of a claim, it was in order under that rule to offer an amendment to an appropriation bill to pay the claim. The debate went on further between the Chair and several members of the Senate, when the Chair overruled the point of order and stated that the amendment was not amenable to that point of order, and it was finally passed upon by a vote of the Senate.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Virginia when that ruling of the Chair was made?

Mr. HUNTON. I hold in my hand a copy of the CONGRESSIONAL RECORD bearing date March 4, 1893, and it is a report of the proceedings of the previous day; so that I have here the last decision on the subject. There is no pretense that there has been any decision since. It is the last decision made upon this subject, in which the occupant of the chair, one of the best parliamentarians connected with the Senate, ruled that such an amendment was not subject to this point of order.

The PRESIDING OFFICER. May the Chair further inquire of the Senator from Virginia what was the nature of the amendment offered upon which that ruling was made?

Mr. HUNTON. I will read it.

On page 22, line 17, I move to insert—

Says the Senator from Florida [Mr. PASCO]—

That the Secretary of the Treasury be, and he is hereby, authorized to settle the account stated between the United States and the State of Florida, under the authority of section 55 of the act approved March 2, 1889, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes;" and in making such settlement he is hereby authorized to set off what is found to be due by the State to the day of settlement on account of principal and interest upon the bonds of the State, in which a portion of the Indian trust funds have been invested, against what is found to be due the State to the same date for moneys expended by her during the Indian hostilities of 1849, and 1856, and 1857, and to surrender such bonds and the coupons thereto to the governor of said State upon making such settlement. And in making the settlement the Secretary is directed to follow the statement of the account as made under the authority of said act, as found in the letter from the Secretary of the Treasury dated December 16, 1889, published as Executive Document No. 68, House of Representatives, Fifty-first Congress, and to adopt the first mode of settlement," etc.

There was a claim of the State of Florida, which was put upon an appropriation bill. I say that that case and the present are identical. It is the same case in principle as the one now before the Senate, and it was ruled to be in order, because the Senate at that session had passed a bill, which had not gone through the other House, making provision for the payment of this identical claim. That amendment was decided by one of the best parliamentarians on the floor of the Senate to be in order. If that was in order, and it was decided to be and a final vote taken upon the merits of the case, why is not the amendment I

propose in order, because it is to pay a claim that the Senate at this very session has passed a bill appropriating a sum of money to pay?

The Senate has passed this claim not only at this session, but on four different occasions. The accounting officers of the Treasury refuse to pay it, not because they do not believe it is a just claim, not because they would not pay it if it was a new question, but they decline to take it up and pass upon it, because a predecessor of the present Secretary of the Treasury, and his predecessor, had without consideration decided against the claim, and they claim that they can not upturn the decisions of their predecessors. The present Secretary of the Treasury and the Secretary under the last Administration would have taken up this case and paid this claim if it had not been for the fact that a preceding Secretary of the Treasury, before the law was settled, had decided that he had no right to refund this money.

This case is of this nature. This firm were distillers. They put into a warehouse a large quantity of whisky, and by evaporation and leakage a large amount of it was wasted. When that whisky was withdrawn from bonded warehouse, the Government required this firm to pay a tax not only upon what they withdrew from the warehouse, but also upon what they put into the warehouse, part of which was wasted by evaporation and leakage. When the Secretary of the Treasury first took up this question he decided under the law that he had no right to refund that money which the firm was obliged to pay in order to get the whisky out of the warehouse.

Subsequently, however, other cases coming before the Secretary of the Treasury, the question was elaborately argued and carefully considered, and the Treasury Department came to the opinion under the law that a party was not bound to pay taxes except for the whisky which was withdrawn from the bonded warehouse. Under that ruling of the Treasury Department thousands and thousands of dollars were refunded to distillers, and only three cases were left which have not been settled in that way. Those three cases were not settled because they were the first decided, and decided adversely to the applicants; and the Treasury Department said that they had no right to reopen their decision.

Mr. President, this is somewhat upon the merits of the case, but upon the point of order which is now pending before the Chair, I submit that when I show to the Chair that a bill to pay this very claim was passed at this session of Congress, under the ruling of the Senator from Tennessee [Mr. HARRIS], when formerly in the chair, it is in order for me to offer the amendment to this appropriation bill.

Mr. COCKRELL. I spoke of this claim being an old stager. It is just thirty years old. It originated in August, 1864. The firm of W. T. Pate & Co. deposited a quantity of whisky in their own barrels in a Government warehouse in August, 1864; they took it out in December, 1864, and a controversy arose between them and the Internal Revenue Department in regard to the amount of whisky which was in the warehouse. They claimed that there had been evaporation, and so on.

We all know that the law only allows a certain amount for evaporation. If there was any leakage, it is not the fault of the Government officers, because the whisky was placed in the barrels which the distillers themselves had provided, and the officers of the Government had ample power to adjust the claim. Under section 3220 of the Revised Statutes—

The Commissioner of Interal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal to him made, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected.

This firm had ample remedy. The officers of the Government refused to pay them, and the matter has been pending in Congress ever since. Since it came into Congress—I do not know when it was first presented to Congress—it has been before the Committee on Claims, it has been before the Committee on Finance. It is a claim pure and simple, and comes within the meaning of the fourth clause of Rule XVI, which provides:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provision of an existing law—

Not the provisions of a bill passed by the Senate at this session, or any other—

Or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. HUNTON. I should like to ask the Senator from Missouri what is the use of introducing an amendment to an appropriation bill to put upon that appropriation bill a claim already provided for by existing law? If a bill has passed both Houses and has been signed by the President, it becomes a law, and the first clause of the rule says "or act or resolution previously passed by the Senate during that session."

I ask the Chair for a ruling on the question.

The PRESIDING OFFICER. In the judgment of the Chair, the point of order made by the Senator from Missouri is well taken. It seems that in the case to which the Senator from Virginia made reference, the exact point was not raised. It seems quite manifest, from a reading of the clauses which have been referred to by the Senator from Missouri and the Senator from Virginia, that clause 4 of Rule XVI was intended to be a limitation to apply exclusively to private claims, and to that extent an absolute limitation upon the power mentioned in clause No. 1. The Chair holds that the amendment is not in order.

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

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 28, after line 17, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Redfern and Eliza J. Redfern, of the District of Columbia, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,733.40, being the sum stated to be due by the War Department for injuries to and rent of buildings numbered 1719 and 1721 G street northwest, in the city of Washington, District of Columbia.

Mr. KYLE. I present this claim because it is a just one. There is no question in regard to its justness. The War Department hired the buildings 1719 and 1721 G street, in Washington, D. C., for Signal Service purposes. It occupied those buildings and was held to the rent according to law. There is no question upon the part of the War Department as to the justness of the claim. They have certified to the correctness of the statement made in the report by the Senator from Oregon [Mr. MITCHELL]; they certified the claim to the Treasury Department for payment, but the report came back from the Treasury Department that there was no money available under the appropriation for the legislative, executive, and judicial expenses of the Government out of which this claim could be paid, and therefore it was recommended to Congress that it be paid by special appropriation.

There is no way in which it can be paid, according to the decision of the Treasury Department, except by a special appropriation by Congress. A bill was introduced here during the present session and passed by the Senate, upon the recommendation of the Committee on Claims; it went to the House of Representatives, has been favorably reported by the committee there, and is now upon the Calendar in that body. Therefore I think the claim is in order on this bill. It is a new claim, but one of the kind which has been pending since 1889, and these parties are still waiting for their money. I think there can be no objection to putting the claim on this bill.

Mr. COCKRELL. It is exceedingly painful for me to be compelled to make the point of order in defense of the Committee on Appropriations in the course it has pursued, to be impartial and just in these matters. The greater part of this claim ought to be paid; the Senator is correct in that; but the parties say it is a claim, and they had a bill introduced to pay their claim. It was referred to the Committee on Claims, the only committee which has jurisdiction of claims. It has been reported favorably, has passed the Senate, and is pending in the House of Representatives. I hope the bill will pass that body, for I have had occasion to examine into the facts of the case.

The Treasury Department deny that they have any authority to pay it—and therefore they did not audit it—because a part of the claim was for damages to the house which was occupied, and they claim they have no jurisdiction over such matters.

Mr. KYLE. The claim is for repairs.

Mr. COCKRELL. And for damages also. The accounting officers of the Treasury Department, as the Senator will see by the report of the Committee on Claims on the bill, held:

That the section of the act of July 7, 1884, did not give the accounting officers of the Department any further authority to pass claims than was given to them by the act of June 14, 1878, and that inasmuch as Congress never made an appropriation for the payment of damages of the character included in this claim as part thereof, the claim did not, therefore, arise under any appropriation which has either been exhausted or carried to the surplus fund, and that therefore the accounting officers had no authority to pass upon the claim and report it to Congress.

Mr. PROCTOR. The case was this: The premises were used for several years. In the lease there was a stipulation that as changes were required to adapt the premises to the use of the Signal Office they should be restored, when the premises were given up, to their original condition. That was the only question of damages. It was the stipulation in the lease to restore the property to its original condition, and the cost of that was carefully ascertained. I supposed until this winter, when I saw the bill before the Committee on Claims, that the claim had been paid long ago.

I have nothing further to say about it, except that I know it to be a just and honest claim, and that the amount has been very carefully ascertained. It was stipulated in the lease that rent should be paid until these repairs were concluded, amount-

ing to something over $600, I think. That sum was cut down one-half, and the estimated cost of restoring the buildings to their original condition was carefully appraised, and I think was appraised very low.

What I wanted to call attention to was that this is not an ordinary claim for damages, but results from a stipulation in the lease. As the house had to be altered to make it useful to the War Department, the lease provided that it should simply be restored to the original condition fitted for a private house.

Mr. KYLE. Mr. President, the facts are these: The Government owes this debt, and every Senator on the floor recognizes and acknowledges the fact. We have not paid that debt. We have been owing it since 1889, and these people are in need of their money. Is it not right and just that the Senate of the United States should pass this amendment and pay the debt? I sometimes pity the men and women who have to appear in the corridors of this Capitol day after day and year after year for the purpose of trying to collect their honest claims against the Government of the United States. Simply because we are a great big government and have power in our hands to refuse the payment of these claims, we refuse to pay them.

If this claim is not passed upon this appropriation bill, it will go over another year. I have ascertained to-day that the Senate bill providing for the payment of this claim will not pass the House of Representatives during this session, therefore it will go over until the next session; and then, perhaps, it will go over another year, and then another year, and by and by, in ten years, because it will then be an old claim, it will not be paid at all. That is the history of all of these claims.

I hope the point of order will not be made against the amendment.

Mr. COCKRELL. I have said before that it is as painful to me to make the point of order as it is to the Senator to have it made, but the Senators see how the Committee on Appropriations is situated. The Senator from Virginia offers a $19,000 claim; the Senator from Oregon offers another claim, which was passed by the Committee on Claims, and the Committee on Appropriations would be compelled to take up and consider private claims. The Committee on Appropriations is not adapted to that character of work; it is not our business, and we are not responsible because the Government does not comply with its contracts which are made outside and not adjusted by the officers of the Government.

I think a great mistake has been made by the claimant in this case or by his counsel in not having the claim properly acted upon by the officers of the Department and certified to Congress, so that it would have been taken out of the category of claims. It ought to have been done in that way; and had it been done in that way, it would have been passed without any question. But we can not let it come in as a claim, when the party says it is a claim and when he went before the Committee on Claims and had that committee consider and report in favor of it, pass it, and send it to us. I can not make the point of order against one Senator and not make it against another.

The PRESIDING OFFICER. The Senator from Missouri makes the point of order that the amendment proposed is obnoxious to clause 4 of Rule XVI. In the judgment of the Chair the point of order is well taken.

Mr. KYLE. I have another amendment or two to offer before I am through. I do not know whether the Senator from Missouri will consider this a new claim or an old claim or what sort of a claim he may regard it. On page 69, after line 19, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 69, after line 19, it is proposed to insert:

To pay Mr. J. E. Johnson for services as stenographer on special hearings before the Committee on Education and Labor, $37.50.

Mr. COCKRELL. That is a matter which the Senator from South Dakota ought to know properly belongs to the Committee on Contingent Expenses of the Senate, and not to the Committee on Appropriations. Had the Senator introduced the amendment and referred it to the Committee on Contingent Expenses of the Senate, and had it been reported favorably, the Committee on Appropriations would have placed it on this bill.

Mr. KYLE. I will say that it has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate, but that committee held that they had no jurisdiction of the matter. In other words, the Committee on Education and Labor did not offer in the first place a resolution authorizing them to employ a stenographer for this special service, and, therefore, payment was not allowable under the rules of the committee. On going to the disbursing officer in the Secretary's office of the Senate, he said to me the only way in which the amount could be paid was by placing an amendment upon the deficiency bill, and therefore it is offered in this form.

Mr. COCKRELL. What was the character of the service?

Mr. KYLE. It was special work done for the Committee on Education and Labor.

Mr. COCKRELL. By order of the committee?

Mr. KYLE. Yes; by order of the committee, and the committee recommend the amendment.

Mr. COCKRELL. Very well, then, I make no question of order about the amendment. It is a matter for the Senate to decide.

The PRESIDING OFFICER. The point of order being withdrawn, the question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. KYLE. I offer for the Senator from Kentucky [Mr. LINDSAY], from the Committee on Indian Depredations, the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 149, in line 22, after the word "judgments," it is proposed to insert:

Provided further, That any and all judgments included in said Executive document which the present Attorney-General has already examined, and any and all judgments rendered during his term of office and which he shall be willing to certify under the provisions of this act, may be certified notwithstanding the order of payment herein specified.

Mr. KYLE. I can explain the amendment in a word. The provision in the bill as it now stands is that Indian depredation claims shall be paid in the order of their examination, beginning with the first and running on down through the list, but there are some of the last ones which have already been examined by the present Attorney-General, and this provision will allow those to be paid without a reëxamination according to that order.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to come in under the head of "Judgments in Indian depredation claims," which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 149, in line 17, after the words "United States," it is proposed to insert "or whether exorbitant sums have been allowed;" so as to read:

Provided, That no one of the said judgments shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that he has caused to be examined the evidence heretofore presented to the Court of Claims in support of said judgment and such other pertinent evidence as he shall be able to procure as to whether fraud, wrong, or injustice has been done to the United States, or whether exorbitant sums have been allowed, and finds upon such evidence no grounds sufficient in his opinion to support a new trial of said case.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CALL. I offer the amendment which I send to the desk, to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

That the unexpended balances of appropriations made in the deficiency appropriation act approved March 2, 1889, for pay of the Navy, under the head "Navy Department claims allowed by the Fourth Auditor and Second Comptroller," be, and the same are hereby, made available to pay amounts due to naval officers, or their legal representatives, before July 16, 1880, in accordance with the decisions of the Supreme Court of the United States in the cases of United States *vs.* Strong (125 United States Reports, 656), United States *vs.* Bishop (120 United States Reports, 51), and United States *vs.* Symonds (120 United States Reports, 46).

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida.

Mr. CALL. Mr. President, I wish to have this amendment fully understood by the Senate before voting upon it. It is an amendment which will enable the surviving sailors and the widows and orphans of those who served in the Navy in the war of 1860 to 1865 and the years immediately subsequent to obtain the benefits of an unexpended appropriation, already made under the authority of a decision of the Supreme Court of the United States in several cases, deciding that the men who were performing sea duty upon vessels in port liable to be sent out immediately, and constantly required to be on board the ship, were in the sense and meaning of the law performing sea service and entitled to sea pay.

In 1893, after this appropriation had been made and the money had been largely expended, a provision was inserted in an appropriation bill, prior to the filing of the petition in the case decided by the Supreme Court, imposing a limitation of six years and prohibiting the payment of all antecedent claims coming within the purview of the provisions of that decision of the Supreme Court of the United States, which had been audited and certified and recommended to Congress for payment

That limitation excluded only—I will not say "only," because there were perhaps some other cases—but it excluded chiefly and largely (I have before me the list of certified cases from the present Secretary of the Treasury) the survivors and the widows and children of the men who served in the war. They are the men who are stricken down by this limitation, and all the others then were and now are being paid this money. These persons appeal to Congress that this injustice shall not be done to them, and they claim, and I think rightfully claim, that under the provisions of the amendment to the Constitution, which secures the validity of the public debt, including pensions and bounties, the provision excluding them from receiving the benefits of the debt declared by the supreme judicial tribunal to be due them, certified and allowed by the Treasury Department and recommended to Congress, is absolutely void, and has no proper place upon the statute books of the country.

It is a most extraordinary proposition that a limitation of this character should be applied affecting this class of people. That there may be no doubt about it, I refer here to the report made by the Secretary of the Treasury, Mr. Carlisle, on the 19th of July, 1894, showing in 1860, in twenty-five or thirty cases, and running through to 1870, 1875, and 1876, the service rendered by these men and the amount of sea pay due to them. All the others having been paid, even men not in the war, and their widows and children to-day being paid, why this limitation against these persons? Why strike at the constitutional amendment; for the war debt, including pensions and bounties, is a part of the public debt, and if sea pay is not included in terms, the spirit and purpose and effect of the constitutional amendment does include it.

To go further, this is the only class of claims audited, allowed, and certified and decided by the Supreme Court to which this limitation is applied. Here is the document, referred to Congress and recommended by the Secretary, in which post-office claims, and all other claims dating back to 1840 and 1854, are allowed, audited, certified, and recommended; and yet alone to this class of cases, where all have been paid except the men who served in the sixties, the limitation is being applied.

In the last session of Congress the distinguished Senator from Missouri, now the chairman of the Committee on Appropriations, and the distinguished Senator from Maine [Mr. HALE] allowed a similar amendment to be put upon the deficiency bill. I have it here on page 2409 of the CONGRESSIONAL RECORD:

> Mr. VOORHEES. I offer an amendment to come in on page 79, in line 5, after the word "cents." I move to insert the following proviso:
> "*Provided*, That the unexpended balances of appropriations made in the deficiency appropriation act approved March 2, 1889, for pay of the Navy, under the head 'Navy Department claims allowed by the Fourth Auditor and Second Comptroller,' be, and the same are hereby, made available to pay amounts due to naval officers, or their legal representatives, before July 16, 1880, in accordance with the decisions of the Supreme Court of the United States in the cases of United States *vs.* Strong (125 U. S. R., 656), United States *vs.* Bishop (120 U. S. R., 51), and United States *vs.* Symonds (120 U. S. R., 46)."

That is this amendment in words. I am urging the amendment at the request of the Senator from Tennessee [Mr. HARRIS], now absent, who brought to me a note from the Senator from Indiana [Mr. VOORHEES] and others and because of my own people, widows and orphans of officers of the Navy, who are interested in this just and righteous claim which has been allowed and recommended by the Department.

I read further from the RECORD:

> The amendment was agreed to.
> Mr. COCKRELL. I do not think the attention of the Senator in charge of the bill could possibly have been called to the last amendment.
> The PRESIDING OFFICER. The Senator from Missouri invites the attention of the Senator from Maine.
> Mr. HALE. The Senator from Maine is watching the bill very closely.
> Mr. VOORHEES. The Senator from Missouri is entirely mistaken. The Senator from Maine had his attention called to this amendment, if not really now, some hours past. It is susceptible of the fullest possible explanation.

So the Senate at that time affirmed the correctness of this proposition and put the amendment upon the bill, thus repealing the limitation in the act of 1866 and acknowledging the invalidity of that act and the justice and rightfulness of the claim for compensation on the part of those who served in the Navy during the sixties.

I wish to say that this is a great outrage, which I think no terms can describe. It is not for me to be the special advocate or defender of that great and gallant class of men; yet I do it cheerfully, and I urge the rights of their widows and their children, who are their survivors. I insist that they should not be discriminated against, being protected by the Constitution and its guarantees as to the validity of the public debt.

All the others have been paid without litigation. This very report of the present Secretary of the Treasury, sending these claims to us, shows that in all the other Departments he certifies, audits, and recommends the payment of the claims running back to 1840 and 1854, and yet this one class of meritorious people are selected for what? To be stricken down, while all others receive the pay.

The amount is appropriated and is in the Treasury unexpended. It is suspended by this void and unrighteous limitation. The amendment being perfectly in order, I ask that it may be placed on the bill.

Mr. COCKRELL. I do not think the amendment ought to be adopted. In 1892 we provided:

> That no part of this sum shall be used for the payment of any claim for sea pay on receiving, training, or practice ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880.
> That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for sea pay or commutation of rations which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court, which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 16, 1880.

That was a very decided declaration against these claims, although they were audited under the interpretation of the decision of the Supreme Court. I hope the Senate will not agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. CALL. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Before the roll is called I wish to say that I do not see how any Senator can vote to exclude this class of people from the benefits of the appropriation already made. Why discriminate against the men who served in the Navy in the years from 1860 to 1865? They are the men stricken down by this limitation. Why pay all others? Upon what ground of justice or propriety can that be done? The money has been appropriated.

Mr. GALLINGER. With the consent of the Senator from Florida, as I am seeking light on this matter, I should like to propound one or two interrogatories to him.

Mr. CALL. I shall be very glad to answer the Senator from New Hampshire.

Mr. GALLINGER. I tried to follow the argument of the Senator from Florida, and am impressed with the feeling that these claims ought to be allowed. I wish to ask the Senator from Florida whether I am correct in understanding him to say that under the decisions of the Supreme Court these claims are valid.

Mr. CALL. Unquestionably so.

Mr. GALLINGER. And that their payment has been denied simply because the statute of limitations has run against them.

Mr. CALL. Because there was put upon an appropriation act a limitation that none of these claims, which accrued six years before the filing of the petition in the Strong case, should be allowed and paid by the Department.

Mr. GALLINGER. I understood the Senator to say that certain claims, identical in character to those for which he is now arguing, have been allowed and paid. Am I correct?

Mr. CALL. The Senator is correct. I so stated.

Mr. GALLINGER. I think it is a pretty clear case that these claims ought to be paid, and I know of no better place to put them than on the pending bill.

Mr. CALL. The money has been appropriated and is in the Treasury unexpended. It can not be applied to anything else. The money was appropriated in pursuance to a decision of the Supreme Court that all officers serving upon vessels in port, but performing certain classes of duty *similar* to those on board ship, liable at any moment to be sent out of port and upon the open sea, were in the sense of law entitled to sea pay, and that it was a debt of the Government of the United States due to them. In three several cases quoted in this report such a decision was made.

Now, under that decision the men who served in that kind of service from 1860 to 1865 and 1866, who were officers of the Navy in the war, were entitled under the law, as a public debt of the United States, to be paid this class of pay. This is the report of the pay that was due them, certified and allowed under the decision of the Supreme Court and recommended to be paid.

In 1892, after this decision of the Supreme Court of the United States declaring that this is a public debt, and being a public debt for the war and during the period of the war, it is in terms as in substance the debt referred to in the Constitution, upon a deficiency act a limitation was imposed which strikes these people and these alone, chiefly.

All others have been paid and are now receiving pay of this class, but these men and the widows and orphans of those who lost their lives in the war, to whom the Government is indebted, the debt being guaranteed by the Constitution, are stricken down by this limitation of six years. The last Congress, with the consent of the Senators then in charge of the bill and without the opposition of the present chairman of the Committee on

Appropriations, expressed its judgment and affirmed the rightfulness of this claim by putting it on the deficiency bill.

Mr. HALE. Mr. President, no one has struck what is at the bottom of these claims. They do not rest on the merits of old sailors and good officers, men who imperiled their lives in the war. They were originally nothing but a set of undiscovered and unrecognized claims. Claim agents in the business dug them out.

There was not one of those officers, when he got a favorite berth in a ship which lay in the harbor alongside of some town and avoided going to sea, who had the slightest thought that he was ever going to get sea pay. He expected to get shore pay. He lay in still water. He was within sight and within boat-reach of a town and its advantages, its churches, its schools for his children, and its hops and balls for the entertainment of his family. They were favorite posts. Nobody wanted to go to sea. Everybody wished to take such places, and the officers expected to get less pay.

Some day or other some bright, ingenious, sharp, shrewd, nosing claim agent here in Washington took it into his head that he could make on a single case some court or other determine that because the ships lay in salt water the men ought to get the highest pay in the Navy; that they should get just as much as the men who went out to sea and traversed all the waters of the globe, encountered all the furies and terrors of the storm, breasted storms and weathered gales, and did sea service. He got one claim in, and the court, not understanding fully the distinctions involved in the case and the merits of it, decided that this one case was a good case and that the man was entitled to sea pay.

Forthwith the claim agents sent out their circulars by the hundreds and thousands, and hunted up every case, clear back for thirty years, where they could find anybody who had performed such service and had not received sea pay. Many of the officers were dead; their children were gone, but the grandchildren were hunted up. They were told that they could get 50 per cent of these claims, or 25 per cent, or whatever it was, if they put them into the hands of the claim agent. The Treasury began to be thronged and overborne by these claims, and before we got hold of it in Congress the Treasury Department had paid on the strength of this decision some hundreds of thousands of dollars in these cases.

Then Congress, on full debate and consideration here, declared that hereafter the accounting officers of the Treasury should not certify and audit any claim based on the decisions which had been rendered. That was a part of the statute. That was the most we could do. We were protecting the Treasury; we were trying to see if we could not shut off the claim agents.

The claims are referred to by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Florida [Mr. CALL] as just and righteous, and we are told that there are crying widows and orphans. There is no widow and there is no orphan crying in these cases. It is the claim agents, the lawyers, who are importuning the Senator from Florida and everybody else, and have done so in season and out of season. The Senate ought to know that in paying these claims it is saying in terms that the man who gets an easy berth in a ship which lies at the wharf in a harbor anywhere must have the same pay as the man who goes abroad and traverses all the seas of the globe.

Mr. WHITE. Will the Senator from Maine allow me to ask him a question?

Mr. HALE. Certainly.

Mr. WHITE. I am not familiar with the facts in the matter, and my inquiry is directed at their ascertainment. Is it true that these claims have been found to be valid by any judicial tribunal?

Mr. COCKRELL. By only one.

Mr. HALE. No; as I say they got in one case and got a decision of the court. Then the claim agents, on the basis of that decision, flocked to the Treasury, and after a half million dollars had been paid Congress put down this barrier.

Mr. WHITE. Are the other claims, those upon which the present solicitation is based, analogous in all respects to that which the court held was a valid claim?

Mr. HALE. It is precisely the same class of claims. The court ruled upon a technicality that sea pay was due for this kind of service, and then Congress put the barrier down and enacted the statute to which I have referred.

Mr. COCKRELL. The decision was in direct conflict with the rulings of the Department and the usage which the officers had accepted for nearly a generation.

Mr. HALE. Invariably. I have stated these things in order that the Senate will not be deceived, and will not think that here is a discrimination against a meritorious class of men, who have really earned this pay. Not one of them ever earned a dollar of it, and none of them ever expected to get it. There was not an officer who went on board ship in this way who ever dreamed of sea pay.

Mr. COCKRELL. He accepted the pay which the Department decided he was entitled to, and was only too glad to get that.

Mr. HALE. That is right. There ought to be the distinction which exists between leave pay, shore pay, and sea pay; and the man on board a ship which lies at a wharf ought not to have the sea pay like the man who goes to sea.

Mr. GALLINGER obtained the floor.

Mr. CALL. I wish the Senator from New Hampshire would allow me to correct a mistake. Have I the consent of the Senator from New Hampshire?

Mr. GALLINGER. Certainly.

Mr. CALL. I am surprised at the statement of the Senator from Maine [Mr. HALE]. I know he does not intend to misrepresent the case. The decision of the Supreme Court was not upon a technical point, and there was not merely one decision. There are a half dozen decisions quoted in this report.

Mr. HALE. I said two or three decisions.

There are three decisions. The Senator from Maine said it is a technical decision. It is not. As to the meaning of the law, it is a full and exhaustive decision. Here it is; but I shall not take the time of the Senate to read it. It goes into the condition of the vessel, where she was, stationary, but liable to be sent out at any moment, and the officers required to be personally present in the performance of their duty, ready at any time to be sent to sea. In these cases the Supreme Court decided that wherever that was the case, where the officers were ready and required to be ready to perform sea duty, they were performing sea duty, and in the terms of the law entitled to that pay. Who shall deny it?

The question is, does the decision of the Supreme Court, declaring that to be the definition of the law, create a public debt of the United States. It is not whether there are or not claim agents. I do not know any claim agents. I am one of the men whom they do not solicit. I have never had any kind of acquaintance with them, but I do know several meritorious women and children, the survivors of these officers, who think they have a just claim upon the Government; and they have. That is the case which the Supreme Court decided. What matters it whether the claim agents hunted up the claimants?

But the Senator from Maine is upon the Committee on Appropriations. Why is he now recommending and why has he been recommending all the time that this same pay be given to men who did not serve from 1860 to 1865? Let that question be answered. Why has he recommended that for those men to-day and yet denies similar treatment to the men and the children and widows of those who served from 1860 to 1865?

I have here the report of the Secretary of the Treasury. He says:

> In compliance with the resolution of the Senate of the 11th instant, calling for certain information relative to naval officers' claims for sea pay in accordance with the decision of the Supreme Court in the case of The United States *vs.* Strong, I have the honor to transmit herewith the report of the Fourth Auditor upon the subject of the 14th instant.

That is the case I have referred to here, which is full and exhaustive as to the right of those people, not upon a technical point, but upon the meaning of the law. The Auditor says:

> I have the honor to return herewith a copy of the resolution of the United States Senate of the 11th instant in regard to claims certified to Congress in accordance with the decision of the Supreme Court in the case of Strong, referred to this office for report, and have to state:
>
> 1. The total sum of $389,071.90, exclusive of payments from current appropriations, has been reported to Congress for sea pay under the above decision.
> 2. Of the above-given sum $136,818.62 has been paid.
> 3. Of the sum paid, $40,230.25 was paid without regard to the date when the services were rendered.
> 4. Of the sums appropriated, as shown above, about $96,000 remains unexpended.

It has been appropriated and is unexpended, and can be applied to no other use.

That is the condition of the case, and I repeat that by the very terms of the statement of the Secretary of the Treasury, this limitation, if not in terms applicable to the sailors and naval officers who served during the war, is in fact applicable, because six years before the time fixed in the statute excludes all of them, and the widows and children, and to-day includes the men who were not in the service during the war.

Suppose the statement of the Senator from Maine is true that these gallant officers, upon a vessel in port, ready and prepared to go to sea, did have a respite from the severe service of the sea, from battle and storm, shall their widows and their children be deprived of the benefit of this just debt, adjudicated by the Supreme Court of the United States, because the husband or father had a respite and easier duty. Why not strike down the others? Why make this limitation applicable to them and them alone? The Senator who objects to the amendment, the chair-

man of the Committee on Appropriations, has had charge of these appropriations all the time. Why did he not make the limitation so as to except from it the sailors and those who performed this meritorious service? Mr. President, there is no argument on the other side of this question.

Mr. GALLINGER. Mr. President——

Mr. PALMER. I have no disposition to prolong the debate, but I should like to ask the Senator from Maine a question. Will the Senator from New Hampshire yield to me for a moment? It is for a question only.

Mr. GALLINGER. Certainly.

Mr. PALMER. I understand there is a distinction between sea pay and shore pay. I understand, furthermore, that the persons who are intended to be provided for by the amendment did not go to sea. If they did not go to sea, upon what ground is it proposed to give them sea pay?

Mr. HALE. This is the ground. For years there has been one rule observed in the Navy, and it is a rule made in obedience to good sense and fairness. There is a distinction created by law, as the Senator from Illinois has said, between sea pay and shore pay. But I will begin with leave pay. That is the smallest pay, being for an officer on leave.

Then comes shore pay, and the next is sea pay. For years there had been but one rule, and that was that officers who were ordered, for instance, to receiving ships, to training ships, ships that lie about harbors and never go anywhere else, should receive shore pay. It is not such a case as the Senator from Florida refers to—the court did not understand it—where the men were liable to be ordered to sea at any time. It was a ship that did not go to sea; the men occupied smooth and comfortable berths, and nobody ever expected that they would receive sea pay. Some of them did get it, however, and so Congress put in this statute of limitations to prevent all of them from getting it.

The court disregarded the interpretation that the Navy Department had always put upon sea pay, and decided that if a man was on a ship, no matter where it was, if he was not at sea, if he was inside of a harbor on a ship in salt water, lying at the wharf, as the receiving ships always do, that still he should have sea pay; that the men who did not earn sea pay should get it. They got up one or two or three cases, as I say, got their decision through, and ran the thing into the Treasury before we found it out.

The Senator from Florida wishes to know why we pay some of these men and do not pay the others. As soon as we found out the situation we put in this provision, that no claims which occurred more than six years prior to the time of the decision, giving them the benefit which the law generally gives of six years limitation, should be audited or paid. We paid the others, because we could not help it.

Mr. HOAR. I should like to ask the Senator from Maine a question. Do I understand the Senator to say that the Supreme Court of the United States has decided that these debts are due by the law of the land, and——

Mr. HALE. Let me answer the question. The Senator from Massachusetts is a very good lawyer.

Mr. HOAR. That does not answer the question.

Mr. HALE. Yes; it does. I am going to answer it.

Mr. ALLISON. That is a good beginning.

Mr. HALE. They did not decide that all these claims were due. A court decides a case as it comes to it. The court decided one case, A B; it decided another one case, C D; it decided another case, E F. That is all it decided. It laid down the principle. Then Congress, in order to shut off all these old claims up to within six years, said, "Nowithstanding this decision it shall only apply to cases within the six years." We put the bar down because we did not believe in the decision. I never believed in it; it is not a correct decision.

Mr. COCKRELL. The limitation the Senator from Maine speaks of is the bar of the law in the Court of Claims against all other claims.

Mr. HALE. Yes; that is the bar.

Mr. HOAR. I understand the proposition then is this: The Supreme Court has decided that the law of the land makes these claims due. It is true they did not decide on these cases that are before us. If they had, there would have been a judgment. But they interpreted and decided the law, and under that interpretation and decision of the law the party was entitled to go into the Department and get his pay, as a hundred or a thousand of them did. Then Congress came in and undertook to set up a statute of limitation, *ex post facto*, which did not exist in regard to this class of cases, because the committee under whose guidance Congress acted thought the decision of the Supreme Court of the United States was wrong.

Now, just reverse this case. Suppose these men had got their sea pay and the Supreme Court of the United States had decided that they were not entiled to it, that it was shore duty and not sea duty, although the man had to keep his mess and wear his uniform and be ready to go to sea all the time, under the practice of this Government the Department would have pursued those widows and children, those estates, for forty years, without admitting for a moment the thought of a statute of limitations or of a legislative bar or a legislative act.

I can not for one see the justice of asking the Government of the United States to make statutes of limitations in its own favor which it will not permit to be made against it. It does not make any difference whether it is an officer, or a widow, or an orphan, or anybody else, it is a man, or a woman, or a child, to whom the United States owes this money, and it is just as much the legal property of that person which we are keeping in our Treasury as if we had entered upon the widow's cottage and taken possession of it without form or right of law.

Mr. HALE. I take issue with the Senator on that point.

Mr. HOAR. Now the Senator——

Mr. HALE. The Senator has been interrupting me.

Mr. HOAR. I did not so understand.

Mr. HALE. I had not yielded the floor.

Mr. HOAR. I thought the Senator had yielded. I will finish my sentence and then yield.

Mr. HALE. I have not finished. The Senator from New Hampshire——

The PRESIDING OFFICER. The Chair reminds the Senators that the Senator from New Hampshire is entitled to the floor.

Mr. HOAR. The Senator from New Hampshire yielded to me. I thought the Senator from Maine was through.

Mr. HALE. I had not answered the Senator from Illinois [Mr. PALMER].

Mr. GALLINGER. I am delighted to yield to both Senators for a reasonable time.

Mr. HOAR. Let me finish the sentence, and then I will stop. I say again, it is as much the property of this widow as her cottage, and the United States is doing an unjustifiable act if it comes in and says, "If the thing was just reversed I would pursue you for forty years, but that I would get the shilling or the hundred dollars or the thousand dollars that you got by mistake; and when the mistake is in my favor merely because the Government can not be sued, you shall not have it set right."

Mr. HALE. The Senator has it all wrong. He is very vehement, very decided, and very animated in favor of this conjectural widow whom he has brought up, and to whom he says the Government owes these claims.

Mr. President, the decision that was got out of the court in these two or three cases did not say that the Government owed all these parties. It only established that in the three cases the Government had to pay. But the provision we enacted in order to prevent these cases from being audited beyond a certain date was the fundamental law of the court through which all the claims had to go.

We did not make the statute of limitations. When the three cases which were put into the Court of Claims under the statute of limitations, which is part of the law of the land, were decided and carried up to the Supreme Court and the decision rendered, the court did not pretend to say that persons whose claims were more than six years old, under the general law applicable to that case, not a party to that action, were entitled to an allowance of their claims.

The law says otherwise. The law says "none of you who did not put in your claims here within six years have a particle of claim upon the Government; not the widows or children or anybody else." All that we did was to put into the bill a provision recognizing the six years' limitation, and declaring that the auditing officer should not audit any of these claims beyond six years. The Senator from Massachusetts is too good a lawyer to claim that because one case is decided it goes back beyond a statute of limitation that is a part of the fundamental law of the land.

Mr. SQUIRE. May I ask the Senator a question for information?

Mr. HALE. Certainly.

Mr. SQUIRE. I have learned some facts about this matter, and I should like to ask one question, which I think is in point right here. I understand there was a case decided which was considered a test case; that the six years spoken of commenced to run back from that time, and that the test case was tried in the year 1886, so that the application of the six years commenced about the year 1880. Now, I wish to ask what point there was in establishing this bar, if that was not a test case? Why was it provided that the six years should commence to run preceding the decision of 1886, unless it was so considered?

Mr. HALE. The provision was put in because the moment the decision was made all the claim agents began to rush in their claims and to claim that by force of that decision the Gov-

ernment should pay them all. There was no test case. The lawyers considered it a test case, but nobody else did. The Government never considered it a test case.

Mr. MITCHELL of Oregon. Allow me to ask a question right there. Did not the Department itself, both the Secretary of the Treasury and the First or Second Comptroller, whoever it was, in applying the decision of the Supreme Court of the United States made in one case to all the other cases make all the other cases payable?

Mr. HALE. That is just what they did. I say the moment the one, two, or three cases were decided, the claims then began to be rushed in and payment was demanded on the basis of that decision. You could not find any fault with Congress in providing that the claims before the six years limitation, which we did not create, which was then the law, should not be audited. They were rushing them all in. They were claiming an audit beyond the six years limitations because this decision decided in a particular case of A B C D or E F, that this was sea pay. They were rushing in the claims beyond the decision, beyond the limitation that was already fixed by law. We said: "You shall not audit any claims that are beyond that decision." That is all there is of it.

Mr. PASCO. I wish to ask the Senator from Maine if he can inform me whether the same law with reference to sea pay that was in existence when the decisions of the Supreme Court were made is still in force, or whether it has been since modified or changed?

Mr. HALE. That I do not know.

Mr. GALLINGER. Mr. President, I was very glad to yield for the colloquy which has taken place, because we all want light on this very interesting question. I do not claim to know as much about these matters as the Senator from Maine in a general way, he having been for a long time a member of the Committee on Naval Affairs, but to my untrained mind in legal matters and in technicalities there are certain facts which seem to be so plain that I am surprised there should be any difference of opinion concerning them. It seems to be established that all the money to pay these claims is ready to be appropriated and is now lying idle in the Treasury of the United States.

Mr. COCKRELL. I dispute that fact distinctly, and will show that it is not the case.

Mr. GALLINGER. This is the first time I have heard it disputed, and it has been stated several times in the discussion.

Mr. CALL. What is the statement?

Mr. GALLINGER. That the money is appropriated, which the chairman of the Committee on Appropriations denies.

Mr. CALL. It is so stated by the Secretary of the Treasury.

Mr. COCKRELL. I do not care what the Secretary says. Here is the law. I will read it, so that all can understand it. I do not want any misunderstanding in regard to this matter.

Mr. HALE. Does anybody claim that the money is already appropriated?

Mr. COCKRELL. Let me read the law:

For pay of the Navy, $256,948.65: *Provided*, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

The very moment Congress knew that the accounting officers were making application of a principle which had never been decided by the Supreme Court of the United States and applied for money we then refused to appropriate a dollar, or to allow them to expend a dollar. It never has been appropriated.

Mr. GALLINGER. I presume that statute——

Mr. CALL. Will the Senator from New Hampshire allow me a moment?

Mr. GALLINGER. No; allow me to make a statement.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. GALLINGER. I presume the statute which has been read is the provision inserted on an appropriation bill, but the fact is that the proper accounting officers of the Treasury Department did find money appropriated to pay these claims, and until Congress intervened, and by this provision on an appropriation bill denied them that right, they had no difficulty in discovering this money which must in some way have been in the Treasury for this purpose.

Mr. President, one other point seems to have been established. A part of these claims have been paid, absolutely paid, by the proper accounting officers of the Government. Then Congress stepped in and by a provision on an appropriation bill, which is vicious legislation, and always has been vicious legislation, and always will be, stopped the proper accounting officers from performing what they conceived to be their duty under the laws of the United States.

One other fact is, I think, not disputed. The Supreme Court has in a number of cases affirmed the principle upon which all these cases rest. Let us take the syllabus, for instance, in one case in which the opinion was delivered by Justice Strong, and see what his language is:

A lieutenant commander in the United States Navy, performing duty as executive officer on board a receiving ship at Boston, under an order designating his employment as "shore duty," is entitled to receive pay for sea service.

That must have decided not one case, but it must have decided a line of cases. For the Senator from Maine to contend that these have been individual and isolated cases which have been decided by the Supreme Court I think will hardly hold in this discussion. It is a well-known fact that in all classes of cases there are test cases, and that when one case is decided it not only decides that case, but it decides all other cases which are on all fours with that case. There are, I take it, a large number of cases——

Mr. GEORGE. I should like to ask the Senator from New Hampshire a question.

Mr. GALLINGER. Certainly.

Mr. GEORGE. What is the date of the first decision of the Supreme Court allowing these claims?

Mr. COCKRELL. Eighteen hundred and eighty-seven.

Mr. GALLINGER. In 1887, I think.

Mr. HALE. Eighteen hundred and eighty-six.

Mr. GALLINGER. Eighteen hundred and eighty-six or 1887.

Mr. GEORGE. I wish to ask another question. What was the date of service to which the decision of the Supreme Court applied?

Mr. GALLINGER. Perhaps the Senator from Florida is informed on that point. I have not looked up this matter.

Mr. GEORGE. Was Symonds *vs.* The United States the first case?

Mr. COCKRELL. It dated back to 1862, I understand.

Mr. GALLINGER. Now, I will continue for a moment, and then the Senator from Mississippi may have the floor, because I do not propose to make a lengthy argument on this subject. Possibly I am not sufficiently well informed to discuss it at all, except that these plain principles, which do not require a trained legal mind to determine, which honest men can determine for themselves between man and man, or between the Government and the citizen, have impressed themselves upon my mind as being worthy of a word from me and my vote in support of this proposition.

I say that after the Supreme Court had decided the principle involved in these cases, and a large number of them had been paid by virtue of those repeated decisions, Congress stepped in and on an appropriation bill invoked the statute of limitations and stopped their further payment.

The decisions were not made, as the Senator from Maine has suggested, upon technicalities. The Supreme Court does not decide questions upon technicalities. The Supreme Court decides such questions upon the broad principles of law. If there are any technicalities in this case the technicalities belong to the Government, not to the court or to the citizen who has a right under the law to ask that he shall be given whatever money is honestly due him according to the decisions of the highest tribunal in the land.

The Senator from Maine invokes that old bogy of claim agents in connection with this matter. Mr. President, I know nothing about claim agents in connection with these claims, but I take it for granted that in these as in all other claims, the citizen deprived by the Government of his rights, has had to call upon claim agents to do what they could to protect him in his rights.

I said a few months ago, in discussing a claim in the Senate Chamber, that if the Government of the United States could be dealt with as a private citizen in its dealings with people of the United States it would be in jail all the time for larceny; and that is true. The Government of the United States does not propose to pay any claim that a citizen holds against it if it can possibly avoid it. A citizen is compelled to appeal to lawyers, to claim agents, if you please, to protect him in his rights before the law.

One further observation and I am done. This matter has been discussed here and elsewhere. I have given it some little attention. I believe those claims ought to be allowed. I quite agree with two distinguished men in another body, one of whom in discussing this question declared that he had "never heard the plea of the statute of limitations was an honest plea between citizen and citizen against the payment of an honest debt," and the other, one of the oldest men in the service of the United States, who has had long experience in governmental affairs, declared as follows:

This money is due by virtue of a decision of the Supreme Court of the United States. * * * Whether it be $1 or $1,000,000, we owe this money under the ruling of the highest judicial tribunal in this land.

Mr. President, I believe that to be true, and believing it to be true, laying aside all technicalities, standing here appealing for the rights of the citizen, for the widow and for the orphan, for citizens of this Republic who have claims against this Government, whose claims have been affirmed by the Supreme Court, which decision has not been reversed except by an act of Congress upon an appropriation bill, I am glad of an opportunity to say that I think the Congress of the United States owes it to itself, to its integrity, and to its honor, to see that these claims are paid at the earliest possible moment.

Mr. GEORGE. Mr. President, I have listened to this debate and I am anxious to find out what is exactly right to be done in this case. As I understand the facts, they are about as I shall state them. During the war, between 1861, or including 1861, and the end of the war, under a ruling of the Department, when certain officers and seamen who were doing duty upon a ship or ships inside of a harbor and not going to sea came to settle with the Department they received shore pay instead of sea pay, the sea pay being the larger sum.

Everybody understood that that was the right ruling of the Department. Those officers accepted the pay and gave their acquittance upon the United States, as it was shore duty. Then, after many of the officers were dead, twenty years afterwards, when everybody had supposed that there had been a full and final settlement on the part of the United States with those officers, a suit was instituted, I believe in 1886 or 1887, upon a state of facts arising but recently anterior to that time.

Mr. HOAR. May I put the Senator a question right there?

Mr. GEORGE. No; I want to state the case first, and then I will hear the Senator.

Mr. HOAR. It is in reference to the Senator's last sentence.

Mr. GEORGE. Never mind, unless the Senator wants to correct the statement I have made.

Mr. HOAR. I want to correct the Senator and to put a question to him.

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. GEORGE. I yield.

Mr. HOAR. The Senator says there was a full and final agreement with the parties. The question I wish to put is, whether that is not precisely what the United States says shall not be done, and that none of the settlements were full and final settlements? The Government says they may be opened at the expiration of half a century.

Mr. GEORGE. At any rate, the accounts of the officers were made out and settled on the basis of shore pay, and everybody supposing that to be the law at that time, no complaint was made. Many of those officers died, they passed out of existence, under the supposition that they had been fully paid.

Now, this was for service during the war, when, I suppose I may be allowed to say, it was a little safer, a little more convenient, and a little more agreeable to be doing duty on a vessel in a harbor than going out in the sea and meeting the enemy.

Twenty years after that time, upon a state of fact arising in time of peace, some lieutenant—I think it was Lieut. Symonds—believed that he was entitled to sea pay instead of shore pay and he entered suit. The Supreme Court of the United States decided that service on a vessel in the harbor was sea service and that he was entitled to sea pay.

Then, after all those men were dead and had gone out of existence, a lot of claim agents in the city of Washington, who are always looking around in the Departments for the opportunity to get up claims against the Government of the United States, discovered that the settlements which were made twenty years anterior to that time were all wrong. Thereupon they write all over the country, or advertise, and get these claims and present them here.

Now, what did Congress do? This matter has been settled, and settled by a tribunal which had a right to settle it. When Congress discovered this state of facts and that nothing could be final as to the settlement which had been made and accepted in good faith by the officers of the Government, by the fiscal officers of the Government as well as the naval officers of the Government, Congress passed a law, which it had a right to do, providing that the old settlements made twenty years before, which had been accepted in good faith by everybody, should not be reopened unless suit was brought within six years anterior to the date of that statute.

Mr. HALE. That is it exactly.

Mr. CALL. I beg pardon.

Mr. GEORGE. That is the exact state of facts, I understand.

Mr. CALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Florida?

Mr. GEORGE. Of course I will yield if I have made a misstatement.

Mr. CALL. Congress did not do anything of the kind.

Mr. GEORGE. Where is the statute read by the Senator from Missouri?

Mr. COCKRELL. On the contrary, Congress said that the claims which had accrued prior to six years before the filing of the petition in that case should be barred. That is what it said.

Mr. GEORGE. It makes no difference; Congress passed the law which I have in my hand, and which I will read to the Senate, so that they may see what it is.

For pay of the Navy, $256,948.65: *Provided*, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered.

Congress had a right to pass that law, and I believe it was the duty of Congress to pass it. There ought to be an end of claims against the United States, especially of claims which have been presented to the accounting officers of the Government and regularly passed to the satisfaction of everybody. It was not so intended, but it appears to me after a very careful and patient listening to the arguments in this case that it is nothing more than a proviso for the benefit of the claim agents who have thus stirred up these old settled claims against the Government.

Mr. CALL. Mr. President, the Senator from Mississippi is usually very accurate and he states his propositions very clearly, but in this case he has not done so. There is no evidence of any claim agents before this body. There is no evidence that the Congress of the United States has ever adopted a statute of limitations upon accounting officers. The statute passed in reference to these claims, which includes this meritorious class of service rendered in the war, is the only one. To-day the chairman of the Committee on Appropriations and the Senator from Mississippi are voting money to pay claims far beyond these in amount, and claims which have none of the merit of this class of claims.

Mr. PALMER. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. Certainly.

Mr. PALMER. Does the Senator admit that these claims are within the statute of limitations?

Mr. CALL. I do not. They are within the provisions of the enactment in that appropriation act, relating to that appropriation only, to that specific amount of money. Before that time Congress had appropriated (under the decision of the Supreme Court which fixed the liability of the Government) $300,000 to these men, of which $140,000 has been paid.

Mr. PALMER. Will the Senator allow me to make one further remark? I understand the Senator to maintain that that limitation has reference simply to that appropriation.

Mr. CALL. Beyond a question. It says "that no part of this amount." There is no question about it. It is only applicable to that appropriation. It says "that hereafter none of the money appropriated in this appropriation act." Beyond a doubt, it is not a general law.

Now, let us see whether it is a general law or has any application to the accounting officers of the Treasury. Let us see whether Congress passed any law saying that claims going back to a certain date against the Government shall not be presented. There is a statute of limitations limiting the jurisdiction of the Court of Claims, but there is none upon the accounting officers of the Treasury. I have here——

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. CALL. I will yield in a few minutes.

Mr. CHANDLER. Right at this point I wish to ask the Senator from Florida a question, if he will allow me.

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. I always yield to the Senator from New Hampshire with pleasure; but I prefer to go on with this point.

Mr. CHANDLER. Then I will not interrupt the Senator now.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. CALL. I will yield presently. I say there is no statute of limitations. What does the Court of Claims say in Smith *vs.* The United States, in the fourteenth volume of Reports, 118?

Accounts in the Treasury are never adjusted. In neither the legal nor the mercantile sense of the term is an account between the Government and one of its officers ever finally adjusted.

Now, let us see whether that is true or not. Let us go on and see. I hold in my hand a list of claims allowed by accounting

officers reported here within the last few days and referred to the Appropriations Committee, upon which the distinguished chairman of the Committee on Appropriations has been acting in this very bill. Now, let us see what he does:

For the payment of claims, for difference between actual expenses, and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States (certified claims), 1854-'62, $101.82.

That goes back to 1854, years before the claims of these sailors to whom the Senator from Mississippi denies the respite of a few months' duty in a home port, in uniform, subject to martial law all the time, on duty ready to be called out at any moment, the Supreme Court declaring it to be sea duty. He votes to pay this mileage which accrued in 1854, due to these officers upon this decision of the Supreme Court that the claims were never adjusted.

So of the Post-Office Department, so of the War Department, and so of every other Department of the Government, wherever the law fixed the amount due the officer and the court declares that it is a public debt. Yet the Senator undertakes to come here and takes this case out of the category of such claims when the decision of the court is that even in time of peace an officer on board a receiving ship, performing the same duties as at sea, shall receive sea pay.

What does the Secretary of the Navy, Mr. Tracy, say in his letter to Senator BUTLER upon this very class of claims? I have it here in my hand. The Secretary says:

NAVY DEPARTMENT, *Washington, July 11, 1892.*

SIR: Replying to your letter of the 6th instant, referring to certain provisions in the deficiency appropriation bill as it passed the House, I have to state that under existing law, as construed by the Court of Claims and Supreme Court, sea pay has been and is allowed to officers serving on board of training, receiving, and practice ships "when not cruising."

Officers, except the commanding officer, performing duty on ships of this character, have ordinarily the same extra expenses with respect to mess bills, uniforms, etc., as those on duty on ships attached to home or foreign squadrons.

So we have the decision of the court to that effect; but that is not all. The Supreme Court has fixed the obligation of the Government to pay. The fact that it becomes the private property of the officer, just as much as the land of the Senator from Mississippi [Mr. GEORGE], or the house of the Senator from Missouri [Mr. COCKRELL] is his property, has been adjudicated a thousand times; it is to-day the practice of the Government, and it has been recognized by the chairman of the committee and the Senator from Maine [Mr. HALE], and is recognized in this bill as the law of the land. There is no statute of limitation whatever upon the subject.

A signal instance of this policy is found in the "customs inspectors' cases." The old law gave them "not exceeding" $3 per day. By a blunder the words "not exceeding" were left out of the Revised Statutes. After receiving pay for some years at the old rates, generally less than $3, the inspectors claimed the difference, and Congress has appropriated over $750,000 to meet these claims.

The chairman of the Committee on Appropriations recommended and that very committee has appropriated $750,000 to pay the customs inspectors the difference between the amount allowed them and $3 a day.

Mr. CHANDLER. From what document is the Senator reading?

Mr. CALL. I am reading from a résumé of the case.

Mr. COCKRELL. A lawyer's argument.

Mr. CALL. It is as good as yours or mine. The Senator is nothing but a lawyer and I am nothing but a lawyer. What argument is there in saying that the document from which I am reading is a lawyer's argument? The question is, is the claim right and just? Is it true? Do you deny it?

Mr. CHANDLER. In the customs inspectors' cases, to which the Senator alludes, the statute of limitations had not run. The Senator does not mean to convey the idea that those cases were within the statute of limitations?

Mr. CALL. Of course not. There is no statute of limitations as to any of them, but there is as to the widows and orphans of those who served in the war. They are the persons who are to be selected to be stricken down.

Mr. CHANDLER. That is what I wanted to ask the Senator about, but he would not allow me.

Mr. CALL. Then I will tell the Senator they are the persons selected to be stricken down by the statute of limitations, while these customs inspectors receive $750,000, and you deny to the widows and orphans of those men who fought from 1860 to 1865, whom in every form of legislation you could have lauded, and rightfully lauded, for their gallant courage, and now, after the Supreme Court has decided that it was their private property, a private debt, you come here and put into an appropriation bill a provision that the inspectors of customs shall receive $750,000 for the difference between $2 and $3 per day, when you have here right before your eyes, and I have read it, the report of the Secretary, showing that in the Post-Office Department and in the War Department payment has been made in cases of mileage, going back to 1840, and you refuse to appropriate money to pay what has been adjudged to be due by the Supreme Court upon a correct interpretation of the law. I ask, how can you justify yourselves in it?

There is no use to talk about any statute of limitations, and that being the law of the land. It was the law for the two years that that appropriation act lasted, and it was the law no longer. The act of Congress requires the Secretary of the Treasury every year to report to the Congress of the United States. Under the decision of the Supreme Court the accounts of an officer of the Government are never adjusted, but are always open to adjustment.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. CALL. Certainly.

Mr. CHANDLER. I ask whether the Senator from Florida, who is a member of the Committee on Appropriations, which has very large powers as this Government is administered, is in favor of never interposing a statute of limitations in the case of a claim against the Government?

Mr. CALL. I am in favor of never imposing the statute of limitations upon a judgment of the Supreme Court of the United States as to a debt due to an individual.

Mr. CHANDLER. Very good, but——

Mr. CALL. When the judgment has been rendered, I am in favor of paying it, and not by a statute of limitations saying that I decide that the Supreme Court is wrong.

Mr. CHANDLER. I want to ask the Senator another question. I ask whether any one of these claims, the payment of which he now advocates, can be taken into the Court of Claims, and then, upon judgment being rendered there, taken to the Supreme Court of the United States, and a judgment there obtained in favor of the claimant? Can any one of these claims which the Senator proposes to pay be put into a judgment of the Court of Claims or of the Supreme Court of the United States?

Mr. CALL. Suppose they can or suppose they can not, what has that to do with the case?

Mr. CHANDLER. Why not? The Senator says he wants to pay every judgment of the Supreme Court of the United States.

Mr. CALL. Yes.

Mr. CHANDLER. Now, if these claimants choose to do so, and have a right to be paid, they can bring their suits in the Court of Claims and go to the Supreme Court of the United States, if necessary, and then get their pay.

Mr. CALL. I am not in favor of any such administration of the Treasury Department.

Mr. CHANDLER. Then, the Senator is simply in favor of paying these men just as if they had a judgment of the Supreme Court of the United States, when, under the existing statute law, they can not get into court. Therefore, the Senator is in favor of removing the statute of limitations in every one of these cases.

Mr. CALL. The Senator from New Hampshire is generally very forcible in his logic, but I do not think his logic on this occasion reaches the case. The Supreme Court of the United States have decided a principle.

Mr. CHANDLER. A precedent?

Mr. CALL. A principle; and it is the business of every officer of this Government to apply that to the cases coming before him which are of like character. It would certainly be the height of injustice to compel every man to whom the United States owes anything to bring suit for it. It would be practical repudiation. Such a state of things never occurred.

Mr. CHANDLER. Then the Senator is in favor of removing the statute of limitations entirely from the accounting officers of the Treasury?

Mr. CALL. There is no statute of limitations upon the accounting officers of the Treasury. The Senator knows there is no such pretense.

Mr. CHANDLER. The Senator is himself applying a statute of limitations on the accounting officers of the Treasury.

Mr. CALL. The Senator from Florida is in favor of paying all cases which come within the principle of the decision of the Supreme Court of the United States. That is what he is in favor of doing.

Mr. CHANDLER. No matter how old it is?

Mr. CALL. No matter what else. That is the law, and that should govern the Treasury Department. There is no statute of limitations, as I have read here to-day, except that which you have applied to these meritorious officers, who served on board ship in port declared by the court to have the right to sea pay.

Those alone are the people you have stricken down in your laws, and I have proven it to you by the report of the Treasury Department certifying claims away back to 1840 in the War Department, and appropriations in this very bill to pay them.

It is only that class of people who have rendered these conspicuous services during the war to whom you have applied this statute of limitations.

Mr. CHANDLER. I did not intend to be drawn into this discussion, and I do not now intend to cover the whole subject which has been brought into the debate, but I wish to call the attention of the Senate to the fact that here is a statute of limitations applicable to the Court of Claims and to suits therein. It reads:

SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues.

Mr. President, that is a wise statute; it is the universal rule in the Court of Claims, and now, that being the policy of the Government with reference to suits in the Court of Claims, why should it not apply to the accounting officers of the Treasury Department?

Mr. CALL. I will tell the Senator why it should not apply. By the universal rule of law continuous accounts between individuals are never subject as to any of their items to the statute of limitations. Once proved that an account is continuous between two parties and unadjusted, it remains outside the statute of limitations.

Mr. CHANDLER. That is an absurd application of a ridiculous doctrine. The rule that is applied to suits in the Court of Claims should be applied to the same class of claims when suit is not brought in the Court of Claims, and all that the Congress of the United States has done has been to take this provision as to the Court of Claims, providing a statute of limitations, and applying it to the accounting officers of the Treasury.

There is not one of those claimants who, if his claim was as just as those which have been already paid, could not go into the Court of Claims and get his judgment if it were not for the statute of limitations, which the Senate and the House of Representatives have very wisely applied to the accounting officers of the Treasury Department.

There is no reason for paying these claims unless the Senate is prepared to repeal all statutes of limitation in the cases of all claims against the United States; and I was surprised to hear the Senator from Massachusetts [Mr. HOAR] make the statement that he did, that whenever a Senator votes to enforce the statute of limitation in the case of a claim against the United States, he is engaged in business equivalent to that of robbing a poor widow of her cottage.

That is the doctrine of the Senator from Massachusetts, if he means anything—that when a person has a claim against the United States, no matter how old it is, no matter how stale it is, no matter how much it may be barred by the statute of limitation, if you vote in this body to enforce the statute of limitation you are taking away from a poor widow that which is hers by just as sacred a right as that by which she possesses the cottage in which she lives.

Rhetoric of that kind, it seems to me, finds no place in the discussion of a question of this kind. Either the statute of limitations which is applied to the Court of Claims is a wise limitation on the accounting officers of the Treasury Department, or else let us remove it entirely and never set up in behalf of the Government of the United States the pretense that a claim is stale and never apply the statute of limitations to any claim whatever against the United States.

The Supreme Court of the United States decided that an officer of the Navy who was assigned to duty upon a receiving ship, tied up at a dock in a harbor, which never moved, which never was intended to move, which could not by any possibility be moved, was at sea.

Mr. President, the decision does not commend itself to my judgment. I do not intend to vote to pay claims of that kind, unless suit is brought upon them in the Court of Claims and judgment recovered according to law. In other words, all claims based upon the proposition that an officer who is on board of an old hulk, tied up at a wharf, which can not move, is at sea, ought not to be paid, provided they are barred by the reasonable statute of limitations which we apply to every suit that is ever brought in the Court of Claims.

Mr. MANDERSON. I shall vote for this amendment, and I want to give very briefly my reasons for that vote. I do not pretend to be a sea lawyer, but it seems to me in this debate that some of the lawyers of the body are at sea. [Laughter.]

I do not like to criticise naval legislation, yet I feel tempted to do so; perhaps I ought not to; I hardly know a marline spike from a boat hook; but I know that in the Army of the United States there is no distinction of duty.

The officer who has a soft place, a very nice billet here in the city of Washington, being on duty receives the pay of his rank just the same as though he might be on duty in the West at some disagreeable frontier post engaged, perhaps, in Indian warfare. There is no distinction. If he is on duty his pay is the same.

Mr. HALE. There ought to be a distinction.

Mr. MANDERSON. I do not think there ought to be a distinction. The officer of the Army or of the Navy who is on duty should receive the pay of his rank.

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

Mr. MANDERSON. Yes.

Mr. CHANDLER. Does not the Senator see that in most cases an army officer wherever he is on duty, can have his family with him; but when a naval officer goes to sea he can not take his family with him, but must leave them at home. So it is just and right in the case of naval officers, although it may not be in the case of army officers, to have two kinds of pay, one shore-duty pay and the other sea-duty pay.

Mr. MANDERSON. I can not see that, because I know very many cases where army officers can not have their families with them.

Mr. CHANDLER. I say in most cases army officers can have their families with them.

Mr. MANDERSON. That may be true as a general proposition; but I can not see why in the case of an officer on shore or on sea duty there should be any distinction in his pay.

Mr. PALMER. Will the Senator from Nebraska allow me to make a remark?

Mr. MANDERSON. Certainly.

Mr. PALMER. By the usage of the sea service the distinction is made that shore pay is at one rate and sea pay is at another.

Mr. MANDERSON. I understand that that is the law.

Mr. PALMER. It is not so with the Army.

Mr. MANDERSON. I know.

Mr. PALMER. Those who are on shore duty get one rate of pay and those on sea duty another.

Mr. HOAR. These men were on salt water.

Mr. PALMER. Yes; they were on salt water. I suppose it would have been just the same if they were on fresh water. I suppose they were not at sea.

All I wanted to do was to call the attention of the Senator from Nebraska to the point that in the naval service the distinction between sea and shore pay is made by law and regulations, while in the Army there is no difference in pay whether the officer has a soft place or a hard place.

Mr. MANDERSON. I understand that. My understanding of the law is that there is a distinction between the pay of the army officer and the pay of the navy officer; but we have got to take the law as we find it. There is that distinction. While the wrangle has been going on between my brother lawyers here I have been trying to get my mind into a judicial condition, so that I could decide whether the Supreme Court was right or whether the lawyers in this body who oppose the decision of the Supreme Court are right.

It seems that until 1843—I make that assertion because of the recital in the opinion of the court, delivered by Mr. Justice Matthews—officers of the Navy who were engaged on duty on receiving ships received sea pay. In 1843 the Navy Department issued an executive order declaring that the receiving ships at the several stations were not to be considered vessels in commission, in sea service from that time, and until these suits were brought naval officers who were upon receiving ships did not receive sea pay.

On training ships, which are another class of ships that do not seem to go to sea, they received sea-duty pay until 1882, when, by an executive order issued by the then able able Secretary of the Navy—and my impression is that he is the gentleman who sits very near me [Mr. CHANDLER]—training ships were declared to be not at sea, but that the men who were upon such ships were entitled to shore-duty pay.

The Supreme Court of the United States in the cases I have before me overruled these respective and respectable Secretaries of the Navy. They said that an officer on a receiving ship or on a training ship was at sea within the meaning of the law, and was entitled to sea pay.

Can there be any question that that law is the law of the land, and that it is a judicial overturning of the executive orders of the Navy Department? There can be no doubt of it.

Mr. President, I understand from the statements which have been made that under these test cases—for such they were, and they all involved the same principle, it was not necessary that the United States should be sued by every naval officer who had such a claim, and the Department was right in applying the principle fixed by the Supreme Court in these decisions to the cases that were presented to it.

Before Congress could overrule the Supreme Court and put on the check of a statute of limitations, we understand that

several hundred thousand dollars have been paid in these cases, and that here is a remainder of less than $100,000.

Mr. COCKRELL. Over $200,000.

Mr. MANDERSON. A remainder, perhaps, of over $200,000 that should be paid. Upon what principle can it be contended that it should not be paid. We are told that the statute of limitations should prevent its payment.

I never have had very much respect for a statute of limitations between individuals, and I have still less respect for it when the Government of the United States proposes to apply it to its servants and to its officers; but, as suggested by the Senator from Massachusetts in the remarks made by him a short time ago, I would not apply such a statute of limitations.

This statute of limitations is now proposed to be applied in a case where there has been an erroneous ruling by the executive officers of the Government in the Department. It looks to me as though the United States was proposing to take advantage of its own wrong in dealing with these people.

I do not care, for the purposes of this discussion and for the purposes of the conclusion to which I shall come, whether these persons are widows, or whether they are orphans, or whether they are living men, who, in former times, performed the service, or whether the claim agents have a fee here. That should not guide the Senate of the United States in the determination of a matter of this sort. We should not lose sight of the fact that in matters of this kind, representing as we do one of the parties to the contract, we are bound by the high court that the Constitution of the country has established.

We should follow it, and we have no right to overrule it. I can see no principle upon which these persons should not receive that which the Supreme Court of the United States has said they are entitled to, notwithstanding the fact that Secretaries of the Navy have heretofore said they were not entitled to it.

I shall vote for the amendment.

Mr. CHANDLER. Mr. President——

Mr. COCKRELL. Will the Senator from New Hampshire allow me to make a very brief statement before he proceeds?

Mr. CHANDLER. I merely want to quote the statute to the Senator from Nebraska, and I want the Senator from Nebraska to listen to this statute:

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law.

Does the Senator believe that an officer serving on an old hulk with a house built over it, tied up to a wharf, never intended to move, and which can not move, is performing service at sea within the meaning of that statute?

Mr. MANDERSON. Well, Mr. President, I have more reverence, I think, for authority than the irreverent Senator from New Hampshire. The Supreme Court has said that that old hulk, tied up at the wharf and unable to go out, is at sea.

Mr. COCKRELL. No; I beg the Senator's pardon. The court has not said any such thing.

Mr. MANDERSON. I beg your pardon. It so says.

Mr. CHANDLER. The only difference between us is this: I would not pay claims of that sort unless I was obliged to pay them in pursuance of a judgment of the Court of Claims, and these men can not get into the Court of Claims because of the statute of limitations. I would apply the statute of limitations to these claims, not feeling that I was depriving the widow of her cottage, as the Senator from Massachusetts seems to think we are doing in the votes we are giving here against these claims.

Mr. MANDERSON. I wish the Senator would not lug "the widow's cottage" into the debate in my time, for I have had nothing to do with "the widow's cottage" in my argument. I have simply suggested that in preference to the opinion of the Senator from New Hampshire or my own as to whether an old hulk, lying at a wharf, unfit to go to sea, is at sea or not at sea, I would accept the decision of the Supreme Court of the United States.

Mr. CHANDLER. Not for my guidance.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield to the Senator from Maine?

Mr. MANDERSON. Certainly.

Mr. HALE. The Senator invokes as the rule to govern us the Supreme Court decision that that old hulk tied up at a wharf is at sea. Is that any more a part of the law of the land to govern us than the statutes as they exist, that not one of these claimants should receive pay unless he came within the six years' limitation?

Mr. COCKRELL. Will the Senator from Maine allow me to make one remark?

Mr. HALE. In a moment. I would not have any hesitation in the case of any such decision as that in invoking the law of the land, including the statute of limitations.

Mr. COCKRELL. If the Senator will permit me, I wish to state what has been decided by the Supreme Court.

On June 30, 1881, the Secretary of the Navy placed a commanding officer in charge of the training ship New Hampshire, then at Norfolk, and authorized him to enlist a crew such as were allowed for a vessel with her complement of officers. The order declared that her officers would be considered as attached to a vessel commissioned for sea service, the same as other apprentice training vessels.

On the 1st day of April, 1882, Symonds—this is the first decision—took charge as executive officer. He was paid sea pay up to a certain date, and that was the date of the order of the Secretary of the Navy simply stopping sea pay, without at all changing the kind of service. The vessel had been fitted for sea and was cruising there in the waters ready to go to sea, intended for the sea, and he had sea pay up to a certain day. Then the Secretary said that after a certain day he should only have shore pay, and the Supreme Court decided that on that vessel, in that condition, and under that order the officer was entitled to sea pay. That was in the case of Symonds.

The next case which went to the Supreme Court was that of Bishop. Bishop was in New York, and the vessel was cruising ready for sea. In the Bishop case the court simply referred to the Symonds case and confirmed the decision in that case.

Then the next case, and these are the only cases, was the case of Strong. The court simply referred to the case of Symonds as covering the Strong case, and said that under that state of facts the officer was entitled to sea pay for a short time. The Supreme Court never said he was entitled to sea pay from 1843 up to that date. The claimant sued for pay due him within six years of the date of the suit. That is all he could sue for in the Court of Claims.

Now, after the Court of Claims had made that decision, the accounting officers of the Treasury turned around and said, "We will go back to 1843, and we will allow sea pay to every officer who was on a training ship," ships which the Senator from New Hampshire [Mr. CHANDLER] has described as hulks on the water that could not go to sea. As soon as that was reported to Congress we passed the provision which I have read in the deficiency act of 1889. Not a solitary one of those claims was ever paid by authority of Congress or with the knowledge of Congress.

Mr. MANDERSON. Mr. President——

Mr. COCKRELL. Wait one moment.

Mr. MANDERSON. I wish to correct a statement——

Mr. COCKRELL. They went to work and paid some of them out of the regular pay, and exhausted it. That brought the question to the Senate, and then it was that we passed a law that no more money should be paid on these claims.

Mr. MANDERSON. I wish to call the attention of the Senator from Missouri to one point——

Mr. COCKRELL. Just one moment, and I will be through. Here is one officer, William B. Fitzhugh, and the sum stated is $7,000. There are others at $3,000. They would get $1,000, $2,000, and so on apiece, going back to 1843, not that the court ever decided that anybody was entitled to any such pay, for in the three cases, which are entirely different from nine-tenths of the cases, the court decided that it was sea pay the officers were entitled to.

Then the Treasury officials applied it to all training-ship service. Look down here at the navy-yard; see the vessel there?

Mr. MANDERSON. I simply wish to call the attention of the Senator from Missouri to the Symonds case and his statement as to the New Hampshire, on which ship Symonds was executive officer. If he will look at the foot of page 50 of 120 Supreme Court Report he will find this statement of facts:

It is of no consequence in this case that the New Hampshire was not, during the period in question, in such condition that she could be safely taken out to sea beyond the mainland. She was a training-ship, anchored in Narragansett Bay, during the whole time covered by the claim of the appellee, and was subject to such regulations as would have been enforced had she been put in order and used for purposes of cruising.

So she was unable to go to sea. Now, let us look at the other case. The receiving ship Wabash was covered by a roof, we are told:

She was capable of being taken out to sea under steam, her machinery and boilers being sufficient for that purpose; she could have been taken out to sea under sail; but in the condition of her boilers and machinery and her sailing apparatus, without repairs, it would not have been in either case advisable or safe.

Mr. HALE. Was there a roof over the Wabash?

Mr. MANDERSON. Yes, sir.

Mr. HALE. Yet the court says she could have gone to sea.

Mr. MANDERSON. There was a roof over the deck.

Mr. CHANDLER. It was a house-boat.

Mr. MANDERSON. I am simply following the Supreme Court. That should be a good guide.

Mr. HALE. Which judge decided the case?

Mr. MANDERSON. Mr. Justice Matthews. The other opinion was delivered by Mr. Justice Harlan; both pretty good lawyers.

Mr. HALE. They could not have been good sea judges.

Mr. COCKRELL. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri to lay the amendment of the Senator from Florida on the table.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion to lay the amendment on the table was agreed to.

Mr. CALL. The yeas and nays were ordered before.

Mr. CULLOM. No; they were not. The motion has just been made.

Mr. CALL. I am not mistaken. The yeas and nays were ordered.

Mr. COCKRELL. The yeas and nays were not ordered on the motion to lay the amendment on the table.

Mr. CALL. They were ordered on the question of agreeing to the amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the motion which has just been passed upon was a motion to lay the amendment on the table, upon which the yeas and nays were not ordered.

Mr. CALL. The yeas and nays were ordered, and I insist——

The PRESIDING OFFICER. It is a past amendment. Are there further amendments as in Committee of the Whole?

Mr. CAREY. I offer an amendment to be inserted after line 11, on page 41.

The SECRETARY. After line 11, on page 41, insert:

To pay salaries of custodians of abandoned military reservations for the fiscal year ending June 30, 1894, and prior years at the rate of $480 each per annum, $21,636.30: *Provided*, That salaries shall only be paid to those who accepted the appointments subject to the future action of Congress in making provision for their compensation, and not to those who expressly accepted appointment on condition that they should not receive compensation.

Mr. COCKEELL. I hope the Senator from Wyoming will not insist upon the amendment. I make the point of order that it is not in order. It is not in pursuance of any law, and it is not estimated for by any Department.

Mr. CAREY. Mr. President——

The PRESIDING OFFICER. The Chair desires to ascertain the fact, and hopes that the Senator from Wyoming will address himself to the point of order made by the Senator from Missouri. The Chair is not advised as to whether a recommendation has or has not been made.

Mr. CAREY. I wish to make a statement in reference to the amendment; then it is within the discretion of the chairman of the committee whether he will allow the amendment to be considered.

It has been the habit of Congress to pay the salaries of the men who take care of these reservations. I wrote a letter to the Secretary and asked him to certify the amount due to one John Fields and one W. W. Thompson, who were appointed to take care of two reservations in my State.

They entered upon their appointments. In the letter of appointment, which I have here, the Secretary of the Interior said to them, "There is no appropriation to pay your compensation, but if you will accept the appointment subject to the action of Congress hereafter, go ahead." They accepted it. Congress went on afterwards and paid these men in part, paid them up to a certain time, allowing them $40 a month. The men said the amount agreed upon was $60 a month. The Secretary, after holding my letter from April 11 up to a week or two ago, answers it, and in his reply he says he has sent down a full list of those appointments, but he does not recommend the payment of the men, because of the large amount of money it would take and the condition of the Treasury.

In the case of the two men with which I am familiar, one of them went 100 miles from his home so take charge of the reservation, and the other went nearly 300 miles from the place where he lived to take charge of the reservation. They took charge of the reservations. I have in my hand letters sent to them from the Interior Department, telling them to make a statement of their account. Here are the letters. [Exhibiting.] Here is the letter in which the appointment was transmitted. I believe this is the first appropriation bill for a number of years from which there has been entirely omitted an item for the compensation of the custodians of these posts.

I have a list of those whom the Secretary said were appointed in the particular way in which I have stated. There is another list where the persons agreed to take care of the posts on condition that they were permitted to occupy certain buildings there. But in reference to this list, which calls for $21,636, I may say it is just that the men should be paid. They are just as much entitled to their salaries as are the Senators who occupy seats upon this floor entitled to theirs.

I do not think it is a good excuse for not making the appropriation this year, when Congress has made such appropriations heretofore, to say that because of the condition of the Treasury the Secretary does not advise this large expenditure at this time. The two items of men in my State amount to only $700, but I did not think it was proper to ask that they be paid and to leave the others out. I wish to call the attention of the chairman of the Committee on Appropriations to a letter I have here. I have the original letter of appointment in this case.

Mr. COCKRELL. We are just wasting time. The committee can not consent to the amendment. The Senator knows that if it were legitimate and we could accept it we would, but it is out of order. It is not a case where we can choose. We must have it submitted to the Department and the estimate of the Department.

Mr. CAREY. Here is a printed submission of the matter to the Appropriations Committee by the Secretary of the Interior.

The PRESIDING OFFICER. The Chair desires to know whether the Senator from Missouri insists upon his point of order.

Mr. COCKRELL. I insist upon the point of order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. DOLPH. I offer an amendment and ask to have it read. I will state that I suppose it is technically a claim, but it is for money paid into the Treasury by mistake, which the officers of the Treasury would have paid back long ago if they had possessed the authority. Bills have passed the Senate in five or six different Congresses to pay the money back, but they never could get consideration in the other House. Let the amendment be read to show what it is. Of course if the Senator from Missouri makes the point of order——

Mr. COCKRELL. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read for information.

The Secretary read as follows:

To pay to Thomas Guinean, of Oregon, the assignee of Bradley S. Hoyt, deceased, of California, the sum of $160, paid the United States by said Hoyt on account of land entry at Shasta, Cal., and which entry was subsequently canceled.

To pay to Chester B. Sweet, of California, the sum of $198.66' the same being the amount of the double minimum excess erroneously paid by him to the receiver of the United States land office as double minimum excess on preëmption cash certificate numbered 1298, Shasta, Cal., for lots 1, 2, and 3, and northeast quarter of southwest quarter of section numbered 7, in township numbered 40 north, range numbered 7 west, Mount Diablo base and meridian, made at Shasta, Cal., March 17, 1886.

Mr. DOLPH. The money has been in the Treasury for a number of years, and is properly payable to these gentlement There is no question about the facts. The claimants do no. know any other way to get the money out of the Treasury. It is a small matter and a just matter. I hope the Senator from Missouri will let the amendment go in.

Mr. COCKRELL. I am compelled to make the point of order. It is a pure claim.

The PRESIDING OFFICER. The point of order is sustained.

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

The SECRETARY. On page 52, line 8, strike out "$500" and insert "$1,000," and in line 13 strike out "one" and insert "two;" so as to read:

To pay Richard W. Young and C. S. Varian $1,000 each, in full for services rendered in the matter of the indictment of Lieut. B. D. Buck, Sergt. Frederick Linse, and Private Edward C. Sheffield, charged with homicide, at the Fort Douglas military reservation, of J. W. Leonard, $2,000.

Mr. DUBOIS. I can not understand why the Appropriations Committee have cut down the amount.

Mr. COCKRELL. That is the provision in the bill as it came from the other House. The Senate did not change it.

Mr. DUBOIS. Allow me to explain it. I think it ought to be put back to $1,000. Mr. Young and Mr. Varian, attorneys in Salt Lake City, were appointed by the Attorney-General to act in the case, these men having been charged with murder. They conducted the business for the Government at the request of the Government, and presented their bill. There is a letter from the Secretary of the Treasury asking that $1,000 be allowed each of these gentlemen, and there is also a letter from the Attorney-General, in which he says:

In my judgment the services rendered by the counsel are reasonably worth $1,000 each.

In the bill it is proposed to pay these men $500 each in full for the services rendered. It seems to me that $1,000 each is a just

compensation. But I do not care to delay the Senate, and I am willing that the vote shall be taken.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The amendment was agreed to.

Mr. BLANCHARD. On page 59, after the word "cents," in line 3, I move to insert:

To pay T. C. Holmes and T. P. Leathers, late mail contractors, for amount of service on route 8165, Louisiana, from April 1 to May 31, 1861, $6,703.30.

Mr. COCKRELL. I move to lay the amendment on the table.

Mr. BLANCHARD. The Senator from Missouri will hardly take me off my feet.

Mr. COCKRELL. I withdraw the motion. I did not know that the Senator wished to say anything. I waited for him, and he did not address the Chair.

Mr. BLANCHARD. I was waiting for the Senator from Missouri to make the point of order against the amendment, if he desired. I should prefer to discuss the point of order if one is to be made, but inasmuch as the Senator from Missouri does not make the point of order against it, I will assume that he has none to make, and will therefore address myself to the merits of the amendment.

Mr. COCKRELL. I do not want the Senator from Louisiana to labor under any hallucination. I shall certainly make a point of order upon the amendment.

Mr. BLANCHARD. I trust, then, the Senator from Missouri will do it now.

Mr. COCKRELL. Then I make the point of order, and will reserve the motion to lay the amendment on the table.

Mr. BLANCHARD. What is the point of order?

Mr. COCKRELL. The point of order is that it is an old claim, an antebellum claim, which has been rejected by the Senate from time immemorial. It is a claim pure and simple, and comes under the rule which I have heretofore quoted.

Mr. BLANCHARD. I do not think this claim has ever been before the Senate in this shape, and I am sure the Senator from Missouri can not point to any instance of its ever having been before the Senate in any other shape at any time. If the Senator from Missouri makes the point of order against the amendment under Rule XVI of the standing rules of the Senate, then the point of order is not good.

I presume it is under clause 4 of Rule XVI that the Senator makes the point of order, though he did not so state.

Mr. President, I call your attention to that clause. It declares that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. BLANCHARD. The amendment I have sent up is to carry out "the provisions of an existing law." I hold in my hand the estimate of the Treasury Department, made in 1886, where this very claim, after having been audited by the Auditor of the Treasury for the Post-Office Department, was transmitted to the Secretary of the Treasury, and by him sent up as an estimate for an appropriation in that year. It was never appropriated for.

I refer to House Executive Documents, first session Forty-ninth Congress, volume 30, and will read for the information of the Presiding Officer, the item covering this claim:

T. C. Holmes and T. P. Leathers, late mail contractors, for amount of service on route 8165, Louisiana, from April 1 to May 31, 1861, $6,703.30.

That is the language of the amendment I have offered. There, I repeat, is the estimate of the Treasury Department made in 1886, for this very claim, after the same had been duly audited, and no appropriation has heretofore been made to pay it.

I have here two letters, dated May 7 and May 25, 1894, from the present Auditor of the Treasury for the Post-Office Department. I will read one of them. It will be seen that the amendment I offer covers only about one-half of the amount which the Auditor states in his letter of May 7, 1894, to be due the contractors.

The reason why I sent up an amendment covering a smaller sum was because in the estimate which I have read, submitted in 1886, only one of the claims was included, to wit, the one on the mail contract in Louisiana. There were two of these mail contracts, one in Mississippi, being route No. 7402, and the other in Louisiana, being route No. 8165. The Treasury Department only included one of the claims in its estimate in 1886, and that was on the Louisiana route.

I confined the amendment to the amount due under the service rendered on the Louisiana route because it was the only one included in the estimate, and because if confined to that amount only the amendment would not be subject to the point of order. If I had included in the amendment the full amount due the parties the point of order would have been good, because it has never come up before Congress in the shape of an estimate from the Treasury Department. Confining it to the Louisiana route, however, I point to the estimate of the Treasury Department based upon the audit of the accounting officers of the Treasury for the Post-Office Department, and submit confidently that the point of order does not lie.

The existing law is well known and need not be cited; it is the general postal route law, which authorizes the Postmaster-General to enter into contracts for the carriage of the United States mails. I take it that the particular statute authorizing this does not need to be referred to. It has been the law ever since the Government had its inception that the Postmaster-General could award contracts for the carriage of the mails, and under that law contracts have been awarded for the last hundred years in this country.

I submit, therefore, that when I refer to the general postal law authorizing the Postmaster-General to make contracts for the carriage of the United States mail, it is sufficient. I need not enumerate all the statutes enacted from time to time referring to this subject, and authorizing the letting of mail contracts.

Mr. President, Capt. Leathers is an old and worthy citizen of my State. For many years he was captain of some of the finest steamboats on the Mississippi River, dating as far back as the early thirties. He is now old and impoverished and this money is justly his due.

It is a claim based upon existing law and having been stated and audited by the accounting officers of the Treasury for the Post-Office Department, it comes before the Senate in proper shape for its action.

Mr. President, on the 7th day of May the present Auditor of the Treasury for the Post-Office Department wrote this letter:

Your letter of the 30th ultimo, addressed to the honorable Postmaster-General, relative to the claim of Messrs. Holmes and Leathers, for carrying the mails in Mississippi and Louisiana in 1861, has been forwarded to this office. In reply, I have the honor to inform you that the records of this office show that T. C. Holmes and T. P. Leathers, under the firm name of "Holmes & Leathers," were contractors on route No. 7402, Mississippi, and No. 8165, Louisiana: that payment on the former route was made in full to December 31, 1860, and on the latter route to March 31, 1861, and that there is standing to their credit for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.25.

It is the last of these amounts, to wit, the sum of $6,703.30 that the amendment covers, and not the other. The former is purposely left out because it was not included in the estimates in 1886. The amount which the amendment covers was included in the estimates submitted in 1886 for appropriation. The letter goes on to say:

In 1882 a part of this claim was taken before the Court of Claims—

That was for the Mississippi route—

and in 1886 a part was reported to Congress for an appropriation.

That was for the Louisiana route. The letter goes on to state:

No provision, however, was made by Congress for its payment, and if any action was taken by the Court of Claims in the case, this office has not been advised.

Within the past year this office has been put in possession of a register of payments made to mail contractors, under contracts with the United States and others, by the Confederate States government, a careful examination of which fails to disclose any payments to Holmes & Leathers on account of their contracts with the United States.

This, then, is a claim growing out of the carriage of the mails just about the time the war broke out in 1861. Here is a statement of the Auditor of the Treasury for the Post-Office Department to the effect that the Confederate register of payments made to mail contractors of that period discloses no payment made to Holmes & Leathers.

The letter of the Auditor of the Treasury which I hold in my hand shows that the United States Government has never paid Holmes & Leathers. It is therefore a just claim against the Government, audited by the Treasury, reported in the estimates of the Treasury for 1886, and referred to now by the Auditor of the Treasury for the Post-Office Department as being a just claim due by the Government.

More than that, Mr. President, I hold in my hand a report made by Mr. COX of Tennessee during the present session of Congress to the House of Representatives, dated May 8, 1894, sustaining this claim, and reporting the bill for the relief of these parties favorably. This report was made from the Committee on Claims of the House. Here is the whole report, which includes letters from the former Auditors, Mr. McConville and Mr. T. B. Coulter, both stating this account to be just and due, and one that ought to be paid by the Government.

More than that, the Committee on Claims of the Senate, during the present session of Congress, have reported this claim favorably. I introduced the amendment and had it printed and referred to the Committee on Appropriations. Now, what more is there to be said? It seems to me that this is a just claim and ought to be paid. It also appears clear that the point of order made against the amendment is not good.

The PRESIDING OFFICER (Mr. JARVIS in the chair). Does the Senator from Missouri insist on the point of order?

Mr. COCKRELL. I insist upon my point of order; and the Senator from Louisiana has proved that the point of order is correct.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken.

Mr. BLANCHARD. The Chair gave no reasons for sustaining the point of order, and I respectfully appeal from the decision of the Chair, pending which I move that the Senate adjourn.

Mr. COCKRELL. I hope the Senate will not adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana that the Senate do now adjourn.

The motion was not agreed to.

Mr. BLANCHARD. Mr. President, I suggest the want of a quorum.

Mr. COCKRELL. Let the roll be called.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Allen,	Dolph,	Jones, Ark.	Power,
Allison,	Dubois,	Kyle,	Proctor,
Bate,	Frye,	Lindsay,	Pugh,
Berry,	Gallinger,	McLaurin,	Roach,
Blackburn,	George,	McMillan,	Shoup,
Blanchard,	Gibson,	Manderson,	Squire,
Brice,	Gorman,	Mitchell, Oregon	Stewart,
Carey,	Hale,	Palmer,	Teller,
Chandler,	Harris,	Pasco,	Turpie,
Cockrell,	Hawley,	Patton,	Vilas,
Coke,	Hill,	Peffer,	Washburn,
Cullom,	Hoar,	Perkins,	White.
Davis,	Jarvis,	Platt,	

The PRESIDING OFFICER. The Secretary reports fifty-one Senators as answering to their names. A quorum of the Senate is present. Does the Senator from Louisiana insist upon his appeal?

Mr. BLANCHARD. I do.

The PRESIDING OFFICER. The Senator from Louisiana appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ALLEN. I do not know that I understand the objection of the Senator from Missouri, and I should like to have the Reporter read the objection as made by that Senator.

Mr. COCKRELL. The objection was that "no amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment;" and the Senator from Louisiana read the report of the Committee on Claims of the Senate and the report of the Committee on Claims in the House; and the claimants themselves insisted that it was a claim, and took it to the Court of Claims.

Mr. ALLEN. I should like to have the Reporter read the objection as made by the Senator from Missouri at the time the Chair ruled on this question.

Mr. HALE. But the Chair has stated the ruling.

The PRESIDING OFFICER. The Chair will state that the Senator from Louisiana offers an amendment to pay a private claim, which the Chair is of opinion, under section 4 of Rule XVI, is not in order. The question of order having been raised, the Secretary will read the rule.

Mr. ALLEN. That is not the request that I made.

The PRESIDING OFFICER. The Chair will state the question. The Secretary will read the rule.

The Secretary read the fourth clause of Rule XVI, as follows:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The PRESIDING OFFICER. Under this section of the rule the Chair sustains the point of order raised by the Senator from Missouri, and from that decision the Senator from Louisiana appeals. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HALE. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Maine moves——

Mr. ALLEN. I should like to know how the Senator from Maine can get the floor when I have it. I have the floor. I was recognized by the Chair.

Mr. HALE. I do not want to interfere with the Senator. I thought he was through.

The PRESIDING OFFICER. The Chair will hear the Senator from Nebraska.

Mr. HALE. When the Senator from Nebraska is through I shall ask leave to make the motion I have indicated.

Mr. ALLEN. The request I made of the Chair was that the objection as stated by the Senator from Missouri, as it existed at the time the Chair made the ruling, be read—not what the Senator from Missouri says now, but what he said before. What objection did he make before? I should like to have read for information that objection as it was stated by him. I am quite well satisfied that the Senator from Missouri did not make the objection he now makes. What he said at that time was that it was an antebellum claim, and that was the only objection he did make.

Mr. COCKRELL. Yes; that it is a claim; and that is exactly what I said subsequently.

The PRESIDING OFFICER. The ruling of the Chair was not based upon whether it was an antebellum claim or not. It was based merely on the fact that in the opinion of the Chair it is a private claim.

Mr. ALLEN. Is it possible to get the objection of the Senator from Missouri read as he made it at the time the Chair ruled the amendment to be out of order?

The PRESIDING OFFICER. The Chair can not order it read because it is not in writing. The Senator from Missouri can restate it if he will.

Mr. ALLEN. The objection of the Senator from Missouri is in writing. The Reporter has it. It has been the custom since I have been here when a request was made to have a statement of a Senator read to read it.

Mr. HALE. Of course if the Senator will allow me, he will gain nothing by any language which the Senator from Missouri may have used. The point of order is open at any time, to be made by any member of the Senate, and the rule is so clear and plain, as read by direction of the Chair, that nobody can mistake as to what it is.

Mr. ALLEN. That may be true, but that is not germane to the question. I have no interest whatever in the amendment of the Senator from Louisiana. I never heard of the matter before. But having been myself the victim on one or two occasions of snap judgment and a misconstruction of the rules of the Senate, I do feel an interest in it. A very few months ago I offered an amendment which was perfectly germane to the subject-matter of the bill, which was an appropriation itself, and which the Chair ruled was general legislation, when there was not a solitary feature of general legislation about it.

I insist that the Senate is obliged to follow some kind of a guide for the interpretation of the Senate rules precisely as we are obliged to follow the ordinary rules for the construction of a statute. It is not within the power of the Presiding Officer to say that a given rule is violated in offering an amendment when, under the ordinary construction of the rule, it can not be construed to fall within the objection.

It has been the practice for the last year to my certain knowledge to have such a request as I have made complied with. If the Chair insists that it shall not be done I have no power to require it, but it has been the rule in the Senate within the last year to my certain knowledge that whenever a Senator has requested the reading of an objection or the statement of another Senator upon any disputed question the Chair has promptly ordered the reading of such statement.

Mr. COCKRELL. Will the Senator allow me to make one statement?

Mr. ALLEN. Certainly.

Mr. COCKRELL. Certainly the Senator was not present when the amendment was first offered. I first rose and moved to lay it on the table.

Mr. ALLEN. I was right here at the time.

Mr. COCKRELL. Then the Senator from Louisiana stated that he had supposed I would make the point of order.

Mr. ALLEN. I heard the Senator.

Mr. COCKRELL. Thereupon I made the point of order and referred to this identical clause of the rule.

Mr. ALLEN. I heard the whole proceeding. There was no rule referred to at that time. The Senator from Missouri, sitting in his chair and without rising, said that he made the objection that it was an antebellum claim; that it had been considered here and rejected by the Senate on several occasions. That was the only definite language used by him. There was not a solitary rule of the Senate pointed out which the amendment of the Senator from Louisiana violated—not one.

Mr. TELLER. If the Senator from Nebraska will allow me, I should like to suggest that a Senator who raises a point of order does not have to cite any rule. A bare statement that the point of order is made has been the practice of the Senate. Any Senator raises a question of order on that statement. He never cites the rule unless somebody asks for it, and it is immaterial what reasons he gives. He can not argue. It is not a debatable question. All he does is to say that he raises the point of order. That is the practice of the Senate.

Mr. CULLOM. And then it is the duty of the Chair to decide the point of order.

Mr. ALLEN. I presume that is true, but I do not see that that is germane to the question. Does the Senator from Colorado know of any rule of the Senate which prohibits the allowance of a claim because it is an antebellum claim?

Mr. TELLER. It does not make any difference what reason the Senator gives for raising the point of order. He may give any reason when he raises the point of order. It is for the Chair to determine under the rules whether the amendment is in order or not. He might give a reason entirely futile and useless; but the Chair applies the rule. So the Senator's objections are simply trifling.

Mr. ALLEN. I have not the slightest doubt that the statement of the Senator from Colorado is correct, but what I claim is that the Senator from Missouri did not raise any point of order. He did not make a solitary objection that is covered by a rule of the Senate unless there is a rule of the Senate to the effect that a claim can not be allowed when it is an antebellum claim. That was his language, and the only language he used in making the objection. If there is a rule of that kind I suppose it is properly enforced by the ruling of the Chair; but I insist that when a Senator raises a point of order he must be able to point to some rule which covers the point he raises.

Mr. HALE. If the Senator will allow me, I will state that he is clearly wrong. The rules of the body are presumed to be known to all, and the Chair represents the knowledge of the body upon the rules. A Senator raises a point of order. If the Chair inquires of the Senator raising the point of order upon what clause in the rule he bases the point of order, then the Senator will naturally state it; but without such an inquiry, it is not necessary to state anything.

Mr. ALLEN. I presume that is true; I do not doubt it at all; but my contention is that the Senator from Missouri did not raise any point of order that is covered by a solitary rule of this body.

Mr. HALE. That is for the Chair to decide.

Mr. ALLEN. Not necessarily so.

Mr. HALE. It is for the Chair to decide. If the Chair says that no point of order has been presented and directs that the proceeding shall go on, that is the end of it, unless an appeal is taken from his decision.

Mr. ALLEN. It is surprising——

The PRESIDING OFFICER. The Chair will state, if the Senator from Nebraska will permit, that the Chair is distinctly of the impression that when the Senator from Missouri raised the question of order he stated that he raised it under paragraph 4 of Rule XVI.

Mr. ALLEN. If the Senator from Missouri made that statement, and the RECORD will show it, I will withdraw every particle of objection I have made. He made no statement of that kind, as I recollect.

Mr. HILL. I do not desire to interfere in this discussion, but it seems to me that we are wasting time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield the floor?

Mr. ALLEN. I do not yield the floor, but I will yield to the Senator from New York for a question.

Mr. HILL. I simply suggest, in the interest of harmony, that the usual course be pursued, and that the stenographer shall read just what the Senator from Missouri said when he first made the point of order.

Mr ALLEN. That will doubtless cover it. That is exactly what I have been asking the Chair for nearly half an hour to have done, to have read the language which the Senator from Missouri used in stating his objection to the amendment before the Chair ruled upon this question—not his language since that time.

The PRESIDING OFFICER. The Senator from Nebraska will suspend for a moment, so that the Reporter may read the language used by the Senator from Missouri. The Reporter will read his notes.

The Reporter read as follows:

Mr. COCKRELL. The point of order is that it is an old claim, an antebellum claim, which has been rejected by the Senate from time immemorial. It is a claim pure and simple, and comes under the rule which I have heretofore quoted.

Mr. TELLER. That ought to be satisfactory to the Senator from Nebraska.

Mr. HALE. Now, I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Maine moves to lay the appeal from the decision of the Chair on the table.

The motion to lay the appeal on the table was agreed to.

Mr. CHANDLER. On page 66, after line 6, I move to insert:

To W. Jasper Blackburn balance due him as member of the Fortieth Congress from Louisiana, $5,597.23.

To the representatives of Nathaniel Boyden balance due him as member of the Fortieth Congress from North Carolina, $5,652.78.

Mr. COCKRELL. I make the point of order on those cases.

Mr. CHANDLER. If the Senator will allow me, I hope he will not do that.

Mr. COCKRELL. I will withdraw the point of order for the present.

Mr. CHANDLER. I was requested to move this amendment by a member of the House of Representatives. These two gentlemen, one living and the other dead, were members of the Fortieth Congress. They were not paid the full amount they were entitled to receive, and under precedents that have been set in the case of members of the House and members of the Senate, they are entitled to the amount proposed in the amendment.

I have here a report of the House of Representatives—Report No. 769—which sets out the justice of these payments and the certificates from the accounting officers of the Treasury showing the amount proposed in the amendment to be the correct sum. I was urged by members of the House to move this amendment at a time when the frame of mind of the Senator from Missouri would be such that he would generously allow these just claims to be adopted and would not make the point of order upon this meritorious amendment.

Mr. COCKRELL. It may be very meritorious, but the Senate is not the body to pass upon this class of claims. It is a claim pure and simple, not for a salary now, but an old matter which belongs to the House of Representatives. We never interfere with the other House in such matters. We never interfere with what they pay their members.

Mr. CHANDLER. Do I understand the Senator from Missouri to insist on his point of order?

Mr. COCKRELL. I do insist upon it.

Mr. CHANDLER. I am very much surprised that the Senator insists on the point of order against these very meritorious claims.

The PRESIDING OFFICER. The Chair is obliged to sustain the point of order raised by the Senator from Missouri.

Mr. SQUIRE. On page 52, after line 13, I move to insert:

For payment to Alexander M. Winston for services as attorney in defending certain pauper defendants in the United States Court at Spokane, Wash., in September, 1893, by appointment of Judge C. H. Hanford, $115.

Mr. COCKRELL. I make the point of order against the amendment.

Mr. SQUIRE. Mr. President, this is a case that I suppose is not subject to a point of order, because I have here a letter from the Acting Secretary of the Treasury certifying the account. He says:

TREASURY DEPARTMENT, *March 30, 1894.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General of the 27th instant submitting, for an appropriation, the account of Alexander M. Winston, $115, for services rendered in defending certain pauper defendants under the order of the judge of the United States court for the district of Washington, the same to be considered in connection with similar accounts contained in House Executive Document No. 92, present session.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Then follows a letter from the Department of Justice addressed to the Secretary of the Treasury, which is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 27, 1894.

SIR: Inclosed is a copy of an account of Alexander M. Winston, Spokane, Wash., approved in the sum of $115, for services rendered in defending certain pauper defendants, upon appointment by the presiding judge, Hon. Cornelius H. Hanford; said services being directed by the judge and performed by Mr. Winston under the act of July 20, 1892 (27 statutes, 252).

You are respectfully requested to forward the claim to Congress for an appropriation in the amount stated, the claim of Mr. Winston, for legal services rendered to the United States to be considered in connection with similar accounts forwarded by the Department on January 26, 1894, found in Executive Document No. 92, Fifty-third Congress, second session.

Very respectfully,

RICHARD OLNEY, *Attorney-General.*

The SECRETARY OF THE TREASURY.

Then here is a letter from Judge C. H. Hanford, stating that $115 is the exact sum due. There were four cases. One case was tried and the charge was $40, and in the three other cases the charges were $25 each. In two cases conviction was secured, and in two others the accused were found not guilty. It seems to me that a small matter of this kind ought to be agreed to promptly without any argument. I have nothing further to say. I have been told by some experienced members of the Committee on Appropriations, and I believe, that the amendment is not subject to a point of order.

Mr. COCKRELL. I make the point of order against the amendment. In the first place, it is not an estimate. It is simply a transmittal of the man's claim. It was presented to the

Department of Justice and referred to the Treasury Department and reported to Congress. It is the claim of an attorney for defending a criminal when he was assigned by the court to defend the criminal. Will the Senate of the United States establish a precedent that every lawyer who is appointed by a judge to defend a criminal in a United States court shall be paid any fee the Attorney-General or anyone else may allow him? There is no law for it; none in the world. In every State court in the Union lawyers are assigned to defend criminals by the trial judge.

Mr. TELLER. And in the Federal courts, too.

Mr. COCKRELL. It has been the universal practice. The point of order is well taken that this is not a claim authorized by law. It is not estimated by the head of any Department, but is simply transmitted here for the information of Congress, for Congress to do what it pleases with it.

Mr. SQUIRE. With the approval of the Treasury Department and the Attorney-General.

Mr. CHANDLER. I ask the Senator from Missouri why in cases like this, of just claims, the accounting officers do not allow them and report them regularly to Congress?

Mr. COCKRELL. Because they have no authority to allow them. There is no law for it. They can not allow them.

Mr. CHANDLER. Is it not a debt of the United States?

Mr. TELLER. It is not a debt against the United States.

Mr. FRYE. It ought not to be.

Mr. TELLER. It ought not to be.

The PRESIDING OFFICER. The Chair holds that the point of order raised by the Senator from Missouri is well taken.

Mr. MITCHELL of Oregon. I move to insert after the last paragraph in the bill:

SEC. 6. That the sum appropriated to be paid to William Milligan, administrator of George Wattles, deceased, in the act of March 3, 1891, entitled, "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," be paid instead to William Milligan, administrator of George Wattles, deceased, but the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representative on whose behalf the award is made represents the next of kin, or in the event the court shall find there were no next of kin, and that there was a widow, then that said sum be paid to the executor, personal representative, or next of kin of such widow.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. MITCHELL of Oregon. I will explain what the amendment means.

The Court of Claims under the spoliation act found a judgment of twenty thousand and some odd dollars in favor of one Mr. Milligan, and the appropriation act of 1891 made an appropriation of that amount.

Mr. COCKRELL. This is only a question of identity.

Mr. MITCHELL of Oregon. That is all.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Oregon.

The amendment was agreed to.

Mr. HALE. I hope we may be able to get through with this bill this evening, so that the Senator from Missouri will consent to our taking a recess over to-morrow.

Mr. COCKRELL. If we can get through with the bill, we shall adjourn over.

Mr. ALLISON. There is no amendment pending.

Mr. BLANCHARD. I offer the amendment which I send to the desk, to come in after the word "cents," on line 21, page 58.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 58, after the word "cents," in line 21, it is proposed to insert:

To pay T. C. Holmes and T. P. Leathers, late mail contractors, for amount of service on route 8165, Louisiana, from April 1 to May 31, 1861, $6,703.30, said Holmes & Leathers having been awarded said contract under the provisions of the acts making appropriations for the support of the postal service, passed in 1856, 1857, 1858, 1859, and 1860.

Mr. COCKRELL. I make the same point of order on that amendment which I made when it was previously offered.

Mr. GEORGE. The Chair gave no grounds upon which he based his former ruling; but it strikes me that the Senator from Louisiana has complied with the rule in his amendment as now offered. The rule provides:

No amendment, the object of which is to provide for a private claim—

The object of this amendment is to provide for a private claim. We admit that—

shall be received to any general appropriation bill—

We admit that this is a general appropriation bill—

unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited upon the face of the amendment.

The first amendment was defective in not complying with this rule, in not reciting the statute under which the claim was made. I submit to the Chair if now, when the general law under which this contract was made is referred to and cited in the amendment, the rule has not been complied with?

Certainly, Mr. President, the rule meant this and no more: That a claim must not be a general claim arising out of some equity which the party may have supposed he had against the Government of the United States, but must be a claim arising under a statute or a treaty. The Senator from Louisiana, in his second amendment, has brought this claim literally and strictly within the rule. I hope, therefore, when the attention of the Chair is called to it, that the amendment will not be ruled out of order.

Mr. BLANCHARD. Mr. President, the only clause in the rule which is invoked by the Senator from Missouri is the one referred to by the Senator from Mississippi, and I can but repeat and emphasize his statement of the argument, that, even if this be a private claim, which is admitted, it is still not subject to the point of order, provided it be to carry out the provisions of existing law, and provided this fact is stated on the face of the amendment.

The PRESIDING OFFICER. Does the Senator from Louisiana hold that the laws cited in the amendment are now in existence?

Mr. BLANCHARD. They have never been repealed. The acts of 1856, 1857, 1858, 1859, and 1860 making appropriations for the support of the postal service for those years are still in existence. The Presiding Officer, I submit, can not take the position that they are no longer in existence because they have been executed. There were legislative provisions in those acts be sides the clauses appropriating money. Are they not existing law, and are they not just as much a part of the law as the sums appropriated in the acts for the support of the postal service?

We point to the laws passed in those years as having authorized the Postmaster-General to make these contracts. He did make them, and the letters of the Auditor, which I have read, show it. This executive document, making an estimate for an appropriation to cover this very claim, shows it; and there has been, I submit to the Chair, in the form in which this amendment is last presented, a substantial and full compliance with every part of clause 4 of Rule XVI.

Mr. GEORGE. Will the Senator allow me?

Mr. BLANCHARD. Certainly.

Mr. GEORGE. I beg leave to suggest to the Chair that when a statute is passed which authorizes a contract to be made, and in pursuance of that statute the contract is made, unless we hold that there shall be a repudiation of the obligation of the Government, the statute is existent always and existing until the contract is complied with.

Mr. COCKRELL. I shall not consume the time of the Senate in this matter. This is purely a claim, and it is not authorized by the provisions of any existing law.

Mr. BLANCHARD. Mr. President, how can the Senator from Missouri, the chairman of the Committee on Appropriations, say that this not authorized by an existing law when the amendment cites the law which authorizes it? If it be not true, let the Senator produce the acts and show it.

There is a full compliance with the rule when we ask the payment of this claim pursuant to the provisions of existing law and name the law. If the law be not so written, that would be an argument against the amendment on its merits; but when the amendment cites the law upon which the claim is based and by which the incurring of the debt was authorized, the point of order can have no force. It would certainly be doing violence to the parliamentary law which governs this body to hold——

Mr. COCKRELL. Why not get out a mandamus to compel its payment if the law authorizes it?

Mr. GEORGE. There is no appropriation from which it can be paid.

Mr. BLANCHARD. There is no appropriation from which it can be paid, as suggested by the Senator from Mississippi. We point to the laws which authorize the contract, and we prove abundantly by authentic documents from the Treasury Department and the Post-Office Department that the contract was made and this money earned under it, and the same has never been paid.

Mr. ALLEN. I should like to ask the Senator from Louisiana a question. I ask if that contract was authorized by any statute whether it would be possible for this Government to repeal the law so as to affect this contract after it was once accepted and its performance entered into?

Mr. BLANCHARD. It would not be. The answer is obvious; when the contract was made under existing law between the Government of the United States and this mail contractor, his rights under that contract became vested rights, and the law upon which the contract was based could not even be repealed to his prejudice.

Mr. ALLEN. The law authorizing the contract never has been repealed, as I understand?

Mr. BLANCHARD. In point of fact it never has been repealed. It is on the statute books to-day.

Mr. President, I submit that unless clause 4 of Rule XVI is a perpetual bar against any amendment, the amendment I offer is in order. If the Chair is going to put such a construction on the rule as will prevent the introduction of any amendment under it, then the point of order made by the Senator from Missouri under this rule is good.

But I submit that if the semblance of a reasonable construction be placed upon clause 4 of Rule XVI, it will admit this amendment, even if we construe the language of the rule *stricti juris*. The Chair must see that every part of the clause of the rule has been met by this amendment. The amendment cites the existing law under which the debt was contracted, and names the time when the act which authorized the making of this contract was passed.

It seems to me too clear for further argument that the amendment is within the purview and scope of clause 4 of Rule XVI.

Mr. GEORGE. I wish to make just one other suggestion, Mr. President. I know this claimant is an honest man and I know this is an honest claim, and I want to suggest to the Chair that when a criminal statute is repealed all prosecutions under that statute fall with it. When a statute of a civil nature in relation to personal rights is repealed, every single right which accrues under that statute remains and the statute remains for the purpose of enforcing such rights.

There has been no attempt to show that there has been any express repeal of these laws, and I want the Chair to understane it and the Senate to understand it. So that a rule of the Senate intended to cut off any sort of private claim which people might set up is used for the purpose of defeating a solemn contract made by the Government of the United States under a law passed by Congress, which law has not been and can never be repealed so far as this contract is concerned. I think if there is anything in human reason upon which we can stand secure, it is that this amendment is not within the scope and purview of the rule cited.

The PRESIDING OFFICER. The Senator from Louisiana has offered an amendment, which has been read. The Senator from Missouri raises a question of order under paragraph 4 of Rule XVI that the amendment is not in order. The Chair has no difficulty in deciding the question. If the Chair makes a mistake it can be corrected by appeal. The Chair is of opinion that the point of order is well taken, and therefore sustains it.

The bill was reported to the Senate as amended.

Mr. PASCO. I wish to have the last amendment made as in Committee of the Whole reserved, so that I may offer a substitute for it.

The PRESIDING OFFICER. The amendment indicated by the Senator from Florida will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PASCO. I offer a substitute for the last amendment referring to the claim of John A. Brimmer, jr., administrator of John Gilliat, which I ask may be read. It is on page 177, beginning in line 6.

The PRESIDING OFFICER. The amendment proposed to be reserved will be read.

The SECRETARY. On page 77, beginning with line 6, the Senate, as in Committee of the Whole, inserted:

That the sum appropriated in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, to be paid instead to the administrator of Thomas Gilliat, deceased, the original sufferer.

Mr. PASCO. I offer a substitute for that amendment.

Mr. COCKRELL. I have examined the substitute, and will accept it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida to the amendment which has been read will be stated.

The Secretary read as follows:

That the sum of $35,840.44 appropriated to be paid to John A. Brimmer, jr., administrator of John Gilliat, deceased, in the act of March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," be paid to the person or persons entitled to recover and receive the same, to be ascertained by the Court of Claims upon sufficient evidence, and certified to the Secretary of the Treasury.

Mr. PASCO. This is a French spoliation claim. It became my duty as a member of the Committee on Claims to examine this matter at the last session of Congress, and this was the form in which it was deemed best by the committee that the item should be placed upon the bill. It is for that reason I have offered the substitute.

Mr. COCKRELL. It is accepted.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. DOLPH. I rise to a question of privilege. I present the conference report on the river and harbor bill.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report, but was interrupted by——

Mr. WHITE. I desire to inquire whether the Senator from Oregon expects to press the consideration of this conference report to-night? I will say that there are certain matters in the report which I desire to examine. I have not been able to see the report, and I desire to make some objection to certain matters which I understand are contained in it.

Mr. HARRIS. I suggest to the Senator to let the report be read, and the question then will be whether we shall proceed to consider it or not.

Mr. WHITE. I rose for the purpose of ascertaining whether it was desired to act upon the report to-night.

Mr. BLANCHARD. I desire to make the same statement in reference to this conference report as has been made by the Senator from California. I do not think it is well to press the adoption of the conference report to-night. The report has just been made to the Senate. We have not had time yet to examine it, and I think it ought to be printed and lie over until the next legislative day.

Mr. BERRY. The report should be read first, Mr. President.

Mr. DOLPH. I desire to make a statement before the report is acted upon.

The PRESIDING OFFICER. The report will be read.

Mr. CHANDLER. Before the Secretary proceeds with the reading, I desire to suggest that if the report is not to be acted on to-night, the reading by unanimous consent be omitted, and then the Senate can adjourn. Let the report be printed.

Mr. HALE. Yes; it ought to be printed.

Mr. DOLPH. I desire to say that it is thought by members of the committee very important that this report should either be acted upon to-night or be acted upon to-morrow. The Senator from Maryland [Mr. GORMAN], who precedes me on the committee of conference, has been here all the afternoon intending to present the report, but not desiring to interfere with the Senator from Missouri in the consideration of the bill which has been before the Senate, when he left he said to me that, if the report was not acted upon to-night, he desired that the Senate should meet to-morrow for its consideration.

If it is understood that we shall meet to-morrow and consider the report, I shall have no objection whatever to its being printed in the RECORD, and then going over until to-morrow; but if the proposition is to adjourn over to-morrow, then I ask that the report be acted upon to-night. If it is considered to-night or to-morrow when the Senate meets, it can be engrossed and prepared for the signatures of the officers of the Senate and House of Representatives on Monday.

If that can not be done, then there would be a loss of at least one further day, and they could not be prepared and signed by the officers of the two Houses before Tuesday. It is considered important to place it before the President, as many members are anxious to adjourn at the very earliest possible moment. If the tariff bill should be disposed of in any reasonable time both branches of Congress will be desirous of adjourning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire that the reading of the report be dispensed with?

Mr. DOLPH. If the report is to be considered to-night, it should be read; if not, I make the request that the Senate meet to-morrow.

Mr. BERRY. We shall have a session to-morrow.

Mr. DOLPH. If that be so, I have no objection to the report being printed in the RECORD and going over until to-morrow.

Mr. HARRIS. Let us understand this matter. I ask unanimous consent that the report be printed in the RECORD, and that the Senate meet at the usual hour to-morrow for the purpose of considering it immediately after the reading of the Journal.

Mr. CHANDLER. Will the Senator from Tennessee kindly allow me, as he substituted his request for mine, to now join in his?

Mr. HARRIS. I beg leave to retire if the Senator has made the request before, because I was not aware of it.

Mr. CHANDLER. I concur cordially in the Senator's request, and I hope it will be unanimously adopted.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HOAR. What is the request?

The PRESIDING OFFICER. That the reading of the conference report be suspended; that the report be printed in the RECORD, and be taken up to-morrow immediately after the reading of the Journal. Is there objection?

Mr. HOAR. Why not have the report read and let it go over until to-morrow in the usual way? The Senate can then take it up.

Mr. HARRIS. I think the understanding is that we meet to-morrow especially to consider this matter. When it is considered, then the Senate can determine what further order it will make.

Mr. HOAR. I shall not interpose.

The PRESIDING OFFICER. Is there objection to the order being made? The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6518) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 20, 23, 28, 32, 33, 35, 39, 62, 84, 113, 122, 123, 133, 135, 150, 151, 155, 185, and 229.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 26, 34, 37, 38, 40, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 85, 88, 89, 90, 91, 92, 93, 94, 96, 99, 101, 103, 104, 105, 106, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 124, 125, 127, 128, 130, 131, 132, 136, 139, 141, 144, 146, 147, 148, 149, 154, 156, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 169, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, 227, and 228, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of sum proposed insert "$200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: After the word "improvement," in line 24, page 4, add as a separate paragraph the following:

"Merrimac River, Massachusetts: The Secretary of War is directed out of the appropriation on hand to make a resurvey of said river with a view of obtaining a depth up to Haverhill equal to that over the bar at Newburyport."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment in the nature of a substitute, as follows: Strike out all of amendment numbered 19, and insert in lieu thereof the following:

"Improving Bay Ridge and Red Hook Channels, New York Harbor, New York: Continuing improvement of Bay Ridge Channel by dredging out and opening the same from a point at its junction with the Gowanus Creek Channel (near Twenty-eighth street), southerly therefrom, along and in front of Gowanus Bay and Bay Ridge to a point where the said Bay Ridge Channel so to be opened, encounters a 26-foot contour or depth of water, so that the channel, so to be opened, shall be of a uniform depth of 26 feet and a width of 800 feet at low water, and continuing improvement of Red Hook Channel from its junction with the Bay Ridge Channel to its connection with the Buttermilk Channel, to obtain a depth of 26 feet at mean low water and a width of 400 feet, $150,000: *Provided*, That the Secretary of War may, in his discretion, expend $20,000 of said appropriation in improving Gowanus Creek Channel under the project to obtain 21 feet depth of water."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert in lieu thereof the following:

"Improving Niagara River from Tonawanda to Port Day with a view to obtaining a channel of 12 feet depth to Schlosser's Dock by cutting through the shoal at the head of Conners Island as indicated in the report of the Chief of Engineers for 1893, page 3113, $10,000; and the unexpended balance of the appropriation heretofore made in the river and harbor act of July 13, 1892, for the improvement of the Niagara River from Tonawanda to Port Day is hereby reappropriated for this purpose."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by the Senate, and insert after line 17, page 96, the following as a new paragraph:

"Baltimore Harbor: To widen the ship channel to 1,000 feet."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: On page 14, line 8, strike out the word "twenty-six" and insert in lieu thereof "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$275,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the following item as contained in lines 22 and 23, page 24: "Improving harbor at Wilmington, Cal.: Continuing improvement, $40,000;" the same having been inserted in the bill by mistake, the improvement having heretofore been completed; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with amendments, as follows: Restore the matter proposed to be stricken out; strike out all after the word "separately," in line 22, page 30, down to and including the word "company" in line 1, page 31; strike out all after the word "river" in line 3, page 31, down to and including the word "subject" in line 5, same page; and strike out the remainder of the paragraph, beginning with the word "And" in line 8, same page; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of sum proposed, insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of sum proposed, insert "$30,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: Strike out the proviso, as contained in lines 9, 10, 11, 12, 13, 14, and 15, page 36; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: After the word "hundred" in line 17, page 44, insert "and ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Strike out the sum proposed and insert in lieu thereof the following: "$135,000, of which $10,000 shall be used in improving Rough River, Kentucky;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows: At the end of the paragraph proposed to be inserted strike out the period and insert a colon and the following proviso: "*Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of said improvement;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows: In lieu of sum proposed insert "$51,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with amendments as follows: After the word "Minneapolis," in line 25, page 57, strike out the period and insert in lieu thereof a comma; strike out all of line 1, page 58, and insert in lieu thereof the following: "Fifty-one thousand dollars, which together with:" in line 3, same page, strike out the words "to further improvement," and insert in lieu thereof the words "shall be expended;" in line 8, same page, after the word "ninety-four," strike out the period, insert a comma, and the following words: "By the construction of lock and dam numbered 2 in the same project;" strike out the remainder of the paragraph beginning with the word "and," in line 8, same page; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$110,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: After the word "dollars," in line 2, page 59, strike out the period and insert a comma, and the following words: "Of which $10,000 may be used in dredging at the mouth of Wolf River, in the discretion of the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows: After the word "Avoyelles," in line 20, page 59, strike out the period, insert

in lieu thereof a comma, and at the end of the paragraph add the following: "And the said Commission is directed to report to Congress, in their next regular report, their views on the advisability of effecting a separation between the Mississippi and Red Rivers, at the present junction thereof and maintaining navigation between the same through Bayou Plaquemine or by means of a canal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out the entire paragraph proposed to be inserted and insert in lieu thereof the following:

"Missouri River, from its mouth to the lower limits of Sioux City, Iowa: The Missouri River Commission is authorized and directed to expend from the appropriations for the improvement of said river $75,000 in the rectification of the river at Omaha, Nebr.; $35,000 at Atchison, Kans.; and $50,000 at St. Joseph and other localities on the river in the State of Missouri where the Commission may deem such improvement necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In line 22, page 60, strike out the word "fifty-five" and insert in lieu thereof the word "ten;" on page 61 strike out all of lines 1, 2, and 3, and the words "and Bismarck," in line 4, and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In line 22, page 64, strike out the words "two hundred and fifty," and insert in lieu thereof the words "one hundred;" strike out all after the word "*Provided*," in line 22, page 64, down to and including the word "*further*," in line 5, page 65; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of Senate numbered 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, and 181, and agree to the same with an amendment as follows: Strike out all of section 2 of the bill, and insert in lieu thereof the following:

"SEC. 2. It shall be unlawful for any person or persons to engage in fishing or dredging for shell fish in any of the channels leading to or from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft.

"Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than $250 nor less than $50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide.

"It shall be the duty of the United States supervisor of the harbor to enforce this act, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this act: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: Strike out all of line 4, page 86, and the period at the end of line 11, page 96, and insert after the word "channel," in line 11, page 96, a comma and the following words: "And Sasanoa River, from Bath to Boothbay;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: Strike out all of line 11, page 99, and insert in line 20, page 45, after the word "improvement," the following: "Including survey from Magnolia to the city of Dallas;" and the Senate agree to the same.

M. W. RANSOM,
A. P. GORMAN,
J. N. DOLPH,
Managers on the part of the Senate.

T. C. CATCHINGS,
RUFUS E. LESTER,
THOS. J. HENDERSON,
Managers on the part of the House.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 4, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 3, 1894.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Ellis Mills, of Virginia, now consul-general at Honolulu, Hawaiian Islands, to be secretary of legation and consul-general of the United States at that place.

POSTMASTERS.

John M. Griffin, to be postmaster at Madera, in the county of Madera and State of California, in the place of Lewis O. Sharp, whose commission expired July 12, 1894.

John M. Martin, to be postmaster at Ocala, in the county of Marion and State of Florida, in the place of George K. Robinson, whose commission expired April 16, 1894.

W. A. Hopkins, to be postmaster at Eminence, in the county of Henry and State of Kentucky, in the place of Henry S. Adams, removed.

Thomas Hickey, to be postmaster at Wakefield, in the county of Middlesex and State of Massachusetts, in the place of Charles B. Bowman, whose commission expired February 12, 1894.

John Huxtable, to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts, in the place of John Huxtable, whose commission expired April 11, 1894.

Patrick Mahan, to be postmaster at Natick, in the county of Middlesex and State of Massachusetts, in the place of George L. Bartlett, whose commission will expire August 7, 1894.

Leonard J. Presson, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts, in the place of James H. Mansfield, whose commission expired January 28, 1894.

William W. Sampson, to be postmaster at Malden, in the county of Middlesex and State of Massachusetts, whose commission expired February 28, 1894.

John Stallman, to be postmaster at Lee, in the county of Berkshire and State of Massachusetts, in the place of Frederick Gillmor, whose commission expired July 11, 1894.

George A. Sweeney, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts, in the place of Loring W. Barnes, whose commission expired June 2, 1894.

Josiah Woodbury, to be postmaster at Beverly, in the county of Essex and State of Massachusetts, in the place of Charles H. Odell, whose commission expired July 11, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 3, 1894.

PROMOTION IN THE ARMY.

Infantry arm.

Second Lieut. Marcus D. Cronin, Twentieth Infantry, to be first lieutenant.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer Albert F. Dixon, to be a chief engineer.

Assistant Engineer Albert Moritz, to be a passed assistant engineer.

Paymaster Leonard A. Frailey, to be a pay inspector.

Passed Assistant Paymaster Eustace B. Rogers, to be a paymaster.

Assistant Paymaster Henry E. Jewett, to be a passed assistant.

Lieut. Charles T. Forse, to be a lieutenant-commander.

Lieut. Edwin K. Moore, to be a lieutenant-commander.

Lieut. (junior grade) Charles N. Atwater, to be a lieutenant.

Ensign William B. Whittelsey, to be a lieutenant (junior grade).

Surg. Hosea J. Babin, to be a medical inspector.

Passed Assistant Surg. Emlyn H. Marsteller, to be a surgeon.

Passed Assistant Surg. George P. Lumsden, to be a surgeon.

Passed Assistant Paymaster Mitchell C. McDonald, to be a paymaster.

Assistant Paymaster Thomas H. Hicks, to be a passed assistant paymaster.

POSTMASTERS.

William S. Sparks, to be postmaster at Delaware, in the county of Delaware and State of Ohio.

J. H. Weber, to be postmaster at Bellevue, in the county of Huron and State of Ohio.

Joshua G. Galloway, to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

C. Rudolph Brand, to be postmaster at Toledo, in the county of Lucas and State of Ohio.

George C. Columbia, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana.

Edward P. Jones, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado.

Charles F. Wilkins, to be postmaster at Urichsville, in the county of Tuscarawas and State of Ohio.

Henry L. Romey, to be postmaster at Bluffton, in the county of Allen and State of Ohio.

Clement R. Leonard, to be postmaster at Easton, in the county of Talbot and State of Maryland.

Wilber B. Foster, to be postmaster at Rockville, in the county of Tolland and State of Connecticut.

Stephen W. Poe, to be postmaster at Grafton, in the county of Taylor and State of West Virginia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 3, 1894.*

The House met at 12 o'clock m. Prayer by Rev. W. E. PARSON, D. D.

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

PRINTING OF A BILL.

Mr. BRODERICK. Mr. Speaker, yesterday morning I asked unanimous consent for the consideration of the antilottery bill from the Senate, which I sent to the Clerk's desk, and which was read. I observe that the bill is not printed in full in the RECORD. I do not know the rule or the practice in reference to such matters, but if, under the circumstances, the full text of the bill is not necessarily entitled to appear in the RECORD, I ask unanimous consent that it may appear there.

The SPEAKER. The Chair is informed it is not customary to print in the RECORD bills for which unanimous consent is asked and to which objection is made.

Mr. BRODERICK. I ask unanimous consent that the bill be printed in the RECORD for information.

There was no objection, and it was ordered accordingly.

The bill as amended by the Committee on the Judiciary of the House is as follows:

A bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall cause to be brought within the United States from abroad for the purpose of disposing of the same, or deposited in or carried by the mails of the United States, or carried from one State to another in the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, to be brought into the United States, or deposited in or carried by the mails of the United States, or transferred from one State to another in the same, shall be punishable in the first offense by imprisonment for not more than two years or by a fine of not more than $1,000, or both, and in the second and after offenses by such imprisonment only.

SEC. 2. That the provisions of sections 3929 and 4041 of the United States Revised Statutes as amended, respectively, and the provisions of sections 2491 and 2492 of the United States Revised Statutes, and of sections 11, 12, and 13 of the act of Congress of October 1, 1890, entitled, "Chapter 1244. An act to reduce the revenue and equalize duties on imports, and for other purposes," and all other provisions of law for the suppression of traffic in or circulation of any such tickets, chances, shares, or interests in or other matter relating to lotteries, or for the suppression of traffic in or circulation of obscene books or articles of any kind, shall apply in support, aid, and furtherance of the enforcement of this act.

SEC. 3. That nothing herein contained shall be deemed to repeal by implication sections 3894, 3929, or 4041 of the United States Revised Statutes, or any part thereof, nor any provisions of the act of Congress of April 29, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," nor any provisions of the act of Congress of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," nor any provision of the laws whatsoever against the establishment of lotteries, or games, or other schemes, or prizes, or chances, or the traffic in or circulation of tickets and other such papers or instruments, or the publication of advertisements or notices in anywise relating thereto.

SEC. 4. That the powers conferred upon the Postmaster-General by the statute of 1890, chapter 908, section 2, are hereby extended and made applicable to all letters or other matter sent by mail.

PUBLIC PRINTING AND BINDING.

The bill (H. R. 2650), providing for the public printing and binding and the distribution of public documents, was laid before the House.

The SPEAKER. This bill has been returned from the Senate with amendments.

Mr. RICHARDSON of Tennessee. I move to concur in the amendments of the Senate.

Mr. HOPKINS of Illinois. Before that is done I would like to have some explanation.

Mr. BURROWS. What are the amendments?

Mr. RICHARDSON of Tennessee. This is the general bill with reference to public printing which passed this House at the extraordinary session. The Senate has made quite a number of amendments, which relate mainly to the administrative features of the bill. Some of them provide for a further reduction in the number of documents printed—in no case for an increase. Among these various amendments there are some to which I would not be inclined to agree; but they are so unimportant as compared with the magnitude of this measure that I do not feel willing to occupy further time, or delay further the passage of this bill, by raising any question in regard to them.

Mr. HOPKINS of Illinois. Well, that may be the gentleman's *opinion*, but——

Mr. RICHARDSON of Tennessee. Let me complete my statement. I will yield to the gentleman after a while.

I say they have made some amendments which the Committee on Printing would not and do not favor, but they are unimportant amendments as compared with the great measure which looks to a complete reformation in the system of Government printing, and reduces the cost of the public printing so largely, that it is variously estimated to be a reduction of from two hundred to three hundred thousand dollars.

This is a bill which systematizes, methodizes, and harmonizes all the printing laws of the Government, and it is therefore, in the judgment of the committee, such a great and needed reform in the printing and distribution of public documents that it was deemed advisable, in view of the fact that these amendments were not material, to accept them, so as not to delay further the enactment of the bill into law.

This bill provides for the distribution at once of about a half a million or more of copies of public documents which are now stored in the basement of the Capitol, and provides a remedy which will prevent the accumulation hereafter of such documents, and accomplishes so many reforms, that I do not feel that we would be justified in delaying the consideration of the bill further by opposing these amendments, which, as I have said, we do not regard as material. They are mainly amendments which amount only to changes in the phraseology and verbiage of the bill; and the committee, therefore, recommend concurrence in the Senate amendments.

Mr. BRECKINRIDGE of Kentucky. What committee?

Mr. RICHARDSON of Tennessee. The Committee on Printing.

Mr. HOPKINS of Illinois. Mr. Speaker, when this bill was before the House it met with very much opposition from various members of this body. There is a large minority in the House who believe that the bill itself is an unwise proposition. Now, I am not advised as to the correctness——

Mr. RICHARDSON of Tennessee. How much time does the gentleman from Illinois want?

Mr. HOPKINS of Illinois. Well, I have taken the floor in my own right, and will occupy such time as I deem necessary.

Mr. RICHARDSON of Tennessee. I have not yielded the floor to the gentleman.

Mr. HOPKINS of Illinois. But I have the floor.

Mr. RICHARDSON of Tennessee. The gentleman said he wanted to ask a question.

Mr. HOPKINS of Illinois. The gentleman from Tennessee is mistaken.

Mr. RICHARDSON of Tennessee. I gave way to the gentleman from Illinois under the assumption that he wanted to ask a question. The gentleman rose and, as I understood him, asked a question, and I said I would yield to him as soon as I had concluded my statement.

Mr. HOPKINS of Illinois. I did not ask the gentleman a question, and did not rise for that purpose.

Mr. RICHARDSON of Tennessee. Then I decline to yield to the gentleman, as I had not concluded what I wished to say.

Mr. HOPKINS of Illinois. Very well, if the gentleman has the floor.

The SPEAKER. The Chair will recognize the gentleman from Illinois afterward.

Mr. RICHARDSON of Tennessee. I had not completed my statement. I wish to say in this connection that this bill provides for the public printing of every kind and of all classes of public documents for the use of the Government. It provides also for printing an extra edition of the report on the Diseases of the Horse—70,000 copies—for which there is a very great demand, as gentleman are aware. There is no provision made by the amendments of the Senate for any change in the printing of Government publications, except in one or two instances, where they reduce the number of copies to be printed.

Mr. BRYAN. Will the gentleman allow me to ask him a question?

Mr. COOMBS. Do these amendments deal with the question of the distribution of these documents?

Mr. RICHARDSON of Tennessee. That is already fixed by the bill as it passed the House. That arrangement is not disturbed. When it passed the House in October last it passed almost unanimously. There was, it is true, two or three days' debate on various amendments, and the bill was finally so amended as to meet the demands of the members of the House, and passed almost without dissent. The amendments of the Senate make, as I have said, no material changes in the bill as we passed it.

Mr. KILGORE. Will the gentleman allow a question right there?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. KILGORE. Is it not a fact that the bill as it passed the House was amended so as to be acceptable to the House before it could pass at all?

Mr. RICHARDSON of Tennessee. The bill was amended and was acceptable to the House, because, as I have said, it passed almost unanimously.

Mr. KILGORE. Is it not true, then, that the important amend-

ments provided by the House in the bill have been stricken from it by the Senate?

Mr. RICHARDSON of Tennessee. No, sir; not one solitary one of them. If the gentleman will mention one——

Mr. KILGORE. I am not familiar with the Senate amendments.

Mr. RICHARDSON of Tennessee. It does not interfere with any amendment which was discussed in the House and adopted by it.

Mr. KILGORE. Is this a conference report?

Mr. RICHARDSON of Tennessee. No, sir; simply a motion on the part of the Committee on Printing to concur in the Senate amendments to the bill.

Mr. KILGORE. Well, would that motion be in order?

Mr. RICHARDSON of Tennessee. That can not be questioned now, for I have debated it for five or ten minutes already without objection.

Mr. KILGORE. I think, if the gentleman from Tennessee will allow me——

Mr. RICHARDSON of Tennessee. Certainly.

Mr. KILGORE. That the important amendments to the bill ought to be printed in the RECORD and called up for consideration to-morrow, or at some other time to be fixed. There is no necessity for a great deal of unnecessary haste in pushing it through the House. We ought to be able to understand what it does and what it means. It is a voluminous measure, covers a great many changes in the matter of printing and the distribution of public documents.

Mr. RICHARDSON of Tennessee. If the gentleman will allow me, there is no Senate amendment that changes that matter. It is just as we passed it in the House.

Mr. KILGORE. Did not the Senate take off some of the amendments that were put on by the House?

Mr. RICHARDSON of Tennessee. No, sir. The only changes made in that matter are in respect to the language of the bill in a few places. Certain of the amendments, for instance, provided for a Clerk's document room, but the House itself abolished that, and at my request the Senate struck out the amendments that the House had put on in anticipation that there would be a Clerk's document room, because, manifestly, they were not properly on the bill after the House had stricken out the provision. That was the main feature of change.

Mr. KILGORE. Have the conference committee taken out that amendment?

Mr. RICHARDSON of Tennessee. There has been no conference upon the bill. This is a motion to concur in the Senate amendments. Mr. Speaker, I will yield to any gentleman who wishes to ask me a question.

Mr. KILGORE. If we are going to consider this bill this morning, it ought to be considered in the Committee of the Whole.

Mr. RICHARDSON of Tennessee. Ah, but, Mr. Speaker, we have debated it now for ten minutes. Now, Mr. Speaker, I will yield for any question that any gentleman wants to ask.

Mr. BRYAN. Mr. Speaker, I want to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Nebraska.

Mr. BRYAN. Does this bill make any provision as to the distribution of employés in the Printing Office, so that they shall be appointed from the various districts of the country?

Mr. RICHARDSON of Tennessee. There is no such provision either in the House or Senate bill.

Mr. BRYAN. Is there any provision compelling the Public Printer to make a fair distribution of the employés from districts throughout the country, so that they shall be appointed from the various parts of the country in fair proportion?

Mr. RICHARDSON of Tennessee. There is no such provision.

Mr. BRYAN. Would it be proper to put an amendment on the bill that would make provision for such a fair distribution, so that the States and districts distant from this capital would receive a fair proportion of appointments?

Mr. RICHARDSON of Tennessee. It could not be put in now, because the bill has passed both Houses. Such an amendment would not be in order.

Mr. KILGORE. Will the gentleman allow me?

Mr. RICHARDSON of Tennessee. Yes.

Mr. KILGORE. The bill, when first considered in the House, provided for the appointment of a superintendent of documents. Is that provision still in the bill?

Mr. RICHARDSON of Tennessee. There is no such provision as that. That provision was stricken out by the House. It has not been put back by the Senate; but this bill provides that the office of superintendent of documents in the Interior Department shall be abolished, and it provides that there shall be a superintendent of documents appointed by the Public Printer, who will discharge the duties of that bureau there, and be paid out of the funds provided for the public printing.

Mr. KILGORE. Do not the Public Printer and the Joint Committee on Printing have the naming of that officer?

Mr. RICHARDSON of Tennessee. The Public Printer, with the approval of the joint committee.

Mr. KILGORE. When that measure was before the House that proposition was antagonized by the House, as I remember.

Mr. RICHARDSON of Tennessee. The original proposition was stricken out and is not put back.

Mr. KILGORE. But you have got some such provision as that in here.

Mr. RICHARDSON of Tennessee. Not at all. It just provides that the work now done by the superintendent of documents in the Interior Department shall be done in the Printing Office, so that these publications can be sent out without being shipped around from one building to another.

Mr. KILGORE. And this is to be done by a man named by the Public Printer and the Joint Committee on Printing?

Mr. RICHARDSON of Tennessee. Named by the Public Printer, with our approval.

Mr. KILGORE. That is the same thing.

Mr. RICHARDSON of Tennessee. The same thing, if you say so; but the gentleman will remember——

Mr. TRACEY. The gentleman does not want to make an incorrect statement——

Mr. RICHARDSON of Tennessee. The gentleman will remember that the Public Printer was for years known as the Congressional Printer. He was appointed by the two Houses of Congress; but the Printing Office became so important that he was made an appointee of the President. It was taken away from Congress. This simply provides that the officer who discharges that duty with reference to these documents in the Interior Department shall now be changed, and that he shall be put where he can be made more the servant of Congress. That is that provision. Now what is the suggestion of the gentleman from New York [Mr. TRACEY]?

Mr. TRACEY. I understood the gentleman from Tennessee to say that the Public Printer had the appointment of a superintendent of documents. Now the amendment adopted by the Senate says that the Joint Committee on Printing shall designate to the PublicPrinter a competent person, and so forth. The Public Printer has nothing to do with it.

Mr. RICHARDSON of Tennessee. The language there used is the same as that used with reference to an index clerk. The index clerk is named by the Committee on Printing to the Public Printer, and he appoints him. So in this case, this man will be named by the Committee on Printing, and he will be appointed, because he is supposed to be the immediate representative of Congress.

Mr. TALBERT of South Carolina. Will the gentleman yield to me for a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. TALBERT of South Carolina. Does this bill, in the changes that have been made, dislodge the appointing power from the Public Printer and put it in the Committee on Printing?

Mr. RICHARDSON of Tennessee. It only provides in respect to three officers. The Senate attached an amendment which provides that in respect to the chief clerk and the two foremen, one of printing and the other of binding, that the Public Printer shall have the approval of the Joint Committee on Printing in making their removal.

Mr. TALBERT of South Carolina. Does not, then, the appointing power go to the Committee on Printing?

Mr. RICHARDSON of Tennessee. It does not.

Mr. TALBERT of South Carolina. Does your bill afford a means by which those documents which are now in the basement will be distributed?

Mr. RICHARDSON of Tennessee. It does. The officers of the two Houses are empowered to distribute all the documents now in the basement to the present members of Congress.

Mr. Speaker, it occurs to me that this bill is as nearly the bill the House wants as it is possible to get one. I would agree to no changes from the House bill that are very material. The amendments of the Senate are in nearly every case immaterial amendments.

A MEMBER. Does this interfere with the distribution of the Rebellion Records to members?

Mr. RICHARDSON of Tennessee. I will state to the gentleman who has asked me if this interferes with the distribution of the Rebellion Records, that the Rebellion Records are left in the bill with the provision exactly as it was put in there by the House,

and it gives a copy of the Rebellion Records to every member of the present Congress who was not a member of a former Congress.

Mr. WARNER. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. WARNER. This is a very voluminous bill. May I ask him, with respect to the amendments which have been referred to, if there is any objection to let them be printed, in order that the House may have time to consider them and know what they are? I differ entirely with the gentleman as to whether these amendments are material or not. I do not care to see put in the hands of the Senate committee such an amount of power and such an opportunity to bluff the civil service of this Government as in this bill, as I read it, is proposed to be given. It seems to me that this matter might lie over and might wait until members have time to consider it.

A matter of this importance, which has been before this House so many times, and in which each time there has been so much question, should not be passed upon in this summary way. [Loud applause.]

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, to show the utter unreasonableness of the gentleman's statement, I have but to say that every solitary amendment in this bill has been printed for three days in the RECORD, and the gentleman has not looked at them.

Mr. WARNER. No attention has been called to it until this morning; and I venture to say that there are not ten members on the floor of this House outside of the gentleman himself who know what these amendments are. [Loud applause.]

Mr. RICHARDSON of Tennessee. I do not know what the gentleman's remark was that provoked applause.

Mr. WARNER. I would be very glad to repeat it.

Mr. RICHARDSON of Tennessee. But the gentleman asked——

Mr. HAYES. It was not what he said, but what you said.

Mr. RICHARDSON of Tennessee. I want to say to the gentleman from New York that these amendments were every one of them printed, are now in the RECORD, and have been there for three days; and I venture to say that if they were ordered to be printed in the RECORD this morning they will not be read by the gentleman from New York who now challenges them. They were printed as the Senate passed them, and they are now in print. I did not bring it up the day before yesterday. I did not bring it up yesterday, and I only brought it up this morning after these amendments have had three days' consideration.

Mr. WARNER. And the gentleman forgot to give notice that he was going to bring it up; and the reason why "the gentleman from New York" opposes concurrence is not because he has not read the amendments, but because he has read them.

Mr. RICHARDSON of Tennessee. I beg the gentleman's pardon. I did not forget to do anything of the kind. It is not my business or duty to call the attention of the gentleman to what is printed in the RECORD. These amendments were printed, as I have said, and I state again that they do not materially change the provisions of the bill as passed by the House. They are there, and gentlemen can get rid of them by voting against them. I simply want, if the House wants to put them out, to send the bill to a conference. If the House desires to do that, it can vote down the motion to concur and put it in conference.

Mr. TRACEY. That is where it ought to go.

Mr. RICHARDSON of Tennessee. Therefore I have moved to concur in the amendments; and I move the previous question on the motion to concur.

Mr. BYNUM. The gentleman certainly does not intend to move the previous question.

Mr. RICHARDSON of Tennessee. I certainly intend to get rid of it; and if gentlemen do not want to vote for it, they can vote it down, and that is a nonconcurrence.

Mr. HOPKINS of Illinois. Mr. Speaker——

Mr. RICHARDSON of Tennessee. I will yield to the gentleman from Illinois any time that he desires.

Mr. HOPKINS of Illinois. I claim to be recognized in my own right.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I move the previous question.

Mr. HOPKINS of Illinois. I have been recognized in my own right.

Mr. RICHARDSON of Tennessee. Well, I move the previous question, Mr. Speaker, and I would like to know what right the gentleman has to take me off the floor?

The SPEAKER. There is some misapprehension about this matter. The gentleman from Tennessee demands the previous question, and says that he has not yielded the floor, and the Chair can not recognize the gentleman from Illinois pending the demand for the previous question. If the previous question is voted down the Chair will recognize the gentleman.

Mr. RICHARDSON of Tennessee. I rise to make a statement——

Mr. HOPKINS of Illinois. I desire to say to the gentleman from Tennessee now——

Mr. RICHARDSON of Tennessee. I have not yielded the floor, Mr. Speaker, and I will not yield it unless the gentleman will accept time. I am willing to give him time.

Mr. HOPKINS of Illinois. Then I want five minutes to indicate the objections to this bill. Mr. Speaker, this is not a bill to be railroaded through the House in this manner. This is a measure that ordinarily ought to be considered in Committee of the Whole, and the gentleman who brought it up commenced debating it in order to cut off the House from discussion——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I call the gentleman to order. I have done nothing of the kind. I demand the previous question.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] demands the previous question.

Mr. HOPKINS of Illinois. Then I trust the House will vote it down. This bill is being railroaded——

The SPEAKER. The House will be in order.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a number of gentlemen near me——

Mr. PAYNE. Mr. Speaker, is it in order for the gentleman from Tennessee to debate this matter after he has moved the previous question?

Mr. RICHARDSON of Tennessee. I have withdrawn the demand for the previous question.

The SPEAKER. The gentleman from Tennessee states that he withdraws the demand for the previous question.

Mr. PAYNE. But he has not done it.

The SPEAKER. The Chair understands his debating it to be a withdrawal of the demand for the previous question.

Mr. RICHARDSON of Tennessee. I withdraw the demand for the purpose of making this statement. Gentlemen on this side of the House say that the only amendment which they have read to which there is any objection is the one which gives the Printing Committee the right to pass upon the appointment of three employés specified in the amendment on page 18, line 21. Now, I am opposed to that amendment and was opposed to it when the Senate put it in. The measure is better without it. But, Mr. Speaker, that amendment is so utterly unimportant as compared with the great provisions of this bill that I was willing to take the bill with that provision in it. However, inasmuch as gentlemen here in whom I have confidence state that they do not like that provision, I now amend my motion by moving to concur, with the amendment which I send to the desk.

The amendment was read, as follows:

Page 18, line 21, strike out the words "the employés herein named shall be subject to removal only upon the approval of the Joint Committee on Printing."

Mr. RICHARDSON of Tennessee. Striking out that obviates the only objection that I have heard to the bill; and as I am and have been opposed to that provision all the time, I am willing to take the bill without it. I demand the previous question upon the motion to concur, with that amendment.

Mr. WARNER. Now that the gentleman from Tennessee has let the cat out of the meal bag, will he not give us a reasonable time to look up the kittens? [Laughter and applause.]

Mr. CUMMINGS. There is more than one cat in this meal. [Laughter.]

Mr. HOPKINS of Illinois. Mr. Speaker——

The SPEAKER. The Chair must submit the motion of the gentleman from Tennessee. It is in the power of the House to vote it down if it desires.

Mr. BURROWS. Mr. Speaker, I rise to a parliamentary inquiry. If the motion for the previous question should be voted down, will it then be in order to move to refer the bill?

The SPEAKER. The bill will be before the House for such disposition as the House chooses to make of it. The gentleman from Tennessee demands the previous question upon his motion to concur in the Senate amendments, with the amendment indicated by him.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

The House again divided; and there were—ayes 43, noes 116.

Mr. RICHARDSON of Tennessee. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Illinois, Mr. HOPKINS.

Mr. DOCKERY (pending the count by tellers). Mr. Speaker,

as this is an important matter, I ask unanimous consent that it go over until Monday next.

Mr. HOPKINS of Illinois. I will agree to that, if it is understood that the previous question is voted down, so that the matter will be open.

Mr. SAYERS. Mr. Speaker, I would amend that request by adding a provision that the Senate amendments shall be printed in connection with a reprint of the bill.

The tellers continued the count, and finally reported—ayes 67, noes 113.

So the previous question was not ordered.

Mr. BURROWS. I now move to nonconcur in the Senate amendments, and on that——

The SPEAKER. The Chair had promised to recognize the gentleman from Illinois [Mr. HOPKINS].

Mr. BURROWS. Very well.

Mr. HOPKINS of Illinois. Before that motion is made, I desire to call the attention of the House to one additional amendment that has been made to this bill. The reason I opposed the motion made by the gentleman in charge of the bill for the previous question is, that, as I undertook to state some time ago, when this bill was before the House——

Mr. TRACEY. I would like to ask what question is before the House?

Mr. HOPKINS of Illinois. The gentleman will learn if he listens.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

Mr. TRACEY. I understood that was voted down.

The SPEAKER. The motion for the previous question was voted down, but the question now recurs on the motion of the gentleman from Tennessee to concur in the Senate amendments.

Mr. HOPKINS of Illinois. And I have taken the floor in my own right.

When this bill was before the House a large minority of members were opposed to it. Now, this is a bill affecting every member with reference to the question of public documents, as to which it provides, as I understand, a different method of distribution from that authorized under existing law.

Mr. RICHARDSON of Tennessee. The gentleman is utterly mistaken. There is no such provision in the bill.

Mr. HOPKINS of Illinois. One moment. I respect the gentleman from Tennessee highly, but not enough to let him make my speech.

The bill met the favorable consideration of a majority of members and passed the House. Since it went to the Senate a large number of amendments have been added which the gentleman from Tennessee has stated are immaterial amendments. One of these amendments makes section 45 of the bill read as follows:

SEC. [44] 45. There shall be appointed by the Public Printer, with the approval of the Joint Committee on Printing, a chief clerk, who shall be a practical printer and versed in the art of bookbinding, whose salary shall be $2,400 per annum; and a foreman of printing and a foreman of binding, who must be practically and thoroughly acquainted with their respective trades, who shall each receive a salary of $2,100 per annum. The employés herein named shall be subject to removal only upon the approval of the Joint Committee on Printing.

Another of these innocent amendments is found on page 30 of the bill, and reads as follows:

The Joint Committee on Printing shall designate to the Public Printer a competent person, to be appointed by him, as superintendent of documents, and shall fix and regulate the compensation to be paid by the Public Printer to the person so designated and appointed.

Now, here are two of the innocent amendments which the gentleman from Tennessee says are purely formal. These amendments give to the Committee on Printing absolute power. They take from the President of the United States, if the office were high enough, or from the Secretary of the Interior, or from the Public Printer the power of appointing these officers in the printing department and give it to this Committee on Printing.

Now, I say that if we are to consider and vote upon these amendments, every member of this House should have the bill with the amendments before him, and should have opportunity to examine so as to determine whether he concurs in the recommendation of the Senate, that these autocratic powers be conveyed to this Committee on Printing or not. For that reason, Mr. Speaker, I am in favor of the motion proposed by the gentleman from Michigan; and I trust that the consideration of this bill will go over until Monday next, and that enough copies of the bill will be printed to give every member of the House an opportunity to examine the bill as amended. Then, if it is the consensus of opinion that these amendments are proper and just, I have no further objection to the passage of the bill.

Mr. Speaker, I now yield to the gentleman from New Jersey [Mr. DUNN] such time as he may desire.

Mr. DUNN. Mr. Speaker, there are two features in this bill which I think every man who understands the principles of our Government ought to oppose. The President of the United States under the law appoints a Public Printer after due deliberation, no doubt, who is endowed with certain executive powers to discharge the duties and obligations of the office to which he is appointed. It must be presumed that he is fully competent—indeed there is the best evidence that he is. The passage of this bill as amended by the Senate strikes at the judgment of the President in making the appointment of Mr. Benedict. I am not caring so much about that, because the President has given us the best of evidence that he is able to take care of himself [laughter], but it strikes at his judgment in this, that it practically declares that he did not select a competent man for the position of Public Printer, or that he has selected a man incompetent to perform the duties of the office; and therefore this joint committee must come in with advisory powers, to tell the Public Printer what his duties are, and how to perform them, thus interfering, legislatively, with what is purely an executive function.

Mr. Speaker, I understand that it is unnecessary for me to discuss this question further now; but at another time I intend to express my views more fully in proof that this measure should not pass in its present shape, and will vote at once for a disagreement and reference to conference.

Mr. BURROWS. Mr. Speaker, I understand that the gentleman from Tennessee is willing to withdraw the motion to concur in the Senate amendments.

Mr. RICHARDSON of Tennessee. I withdraw the motion to concur, and yield to the gentleman from Michigan.

Mr. BURROWS. Now, Mr. Speaker, I have no desire to delay this matter by reference to a committee, but rather to hasten its consideration. I move, therefore, that the House nonconcur in the amendments of the Senate.

Mr. RICHARDSON of Tennessee. One word upon that motion. Of course I understand that if the House should vote down the motion to concur, it would be equivalent to a vote in favor of the motion of the gentleman from Michigan to nonconcur. But in order to save time I withdraw the motion to concur, and renew the call for the previous question upon the motion made by the gentleman from Michigan to nonconcur.

Mr. HOPKINS of Illinois. I want to call the attention of the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. I withdraw the motion I have made.

Mr. HOPKINS of Illinois. But there is a provision here that I want to call the gentleman's attention to in connection with what has already been said—regarding section 45 of the bill, where provision is made in the amendment of the Senate that there shall be appointed by the Public Printer—

With the approval of the Joint Committee on Printing—

the employés named in the rest of the section. That is only one-half of the matter to which I wish to call the gentleman's attention particularly. The concluding portion of the section provides that these parties shall be appointed "only by the advice and consent of the Joint Committee on Printing." I trust the gentleman from Tennessee will include that in the consideration he gives to the matter before the conference committee.

Mr. RICHARDSON of Tennessee. I said that I was opposed to this provision. I am opposed to it because some gentlemen seem to think the Committee on Printing wants to increase its own power. I have never wanted that sort of power.

But there are reasons why these officers should be somewhat subject to the Committee on Printing. The House will remember that this officer is called the "Congressional Printer," and is so named in the Revised Statutes. The object of the law is to bring him as nearly as possible under the control of Congress; and that, I apprehend, is the only reason why this provision has taken the form in which we find it. But I think the committee of the Senate made a mistake in recommending that particular phraseology.

Mr. HOPKINS of Illinois. I only ask that the gentleman will look into the matter in connection with the first part of the section to which objection was made.

Mr. BURROWS. Now, Mr. Speaker, I demand the previous question upon the motion.

Mr. PICKLER. I desire to ask a question of the gentleman from Tennessee, the chairman of the Committee on Printing.

The SPEAKER. It is not in order, the previous question having been demanded.

The question was taken; and on a division (demanded by Mr. PICKLER) there were—ayes 162, noes 10.

Mr. PICKLER. No quorum.

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

Mr. PICKLER and Mr. BURROWS were appointed tellers.

Mr. PICKLER. Pending the point of no quorum, if I can be

permitted to ask a couple of questions of the chairman of the committee, which I wanted to ask before and could not get an opportunity to do, I will withdraw the point of no quorum.

The SPEAKER. But the previous question has been demanded. The gentleman, of course, can not control the business of the House when a majority is against him.

Mr. PICKLER. Then I ask unanimous consent, pending the point of no quorum, to be allowed to ask one or two questions of the chairman of the committee.

Mr. LOUD. Regular order.

Mr. OUTHWAITE. Mr. Speaker, I object.

The SPEAKER. The tellers will resume the count.

The question was taken; and the tellers reported—ayes 181, noes 0.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan, that the House nonconcur in the Senate amendments.

Mr. PICKLER. Now, Mr. Speaker, I desire to ask the chairman of the Committee on Printing a couple of questions.

The SPEAKER. It is not in order now without unanimous consent. The previous question has been ordered, which cuts off all debate.

Mr. PICKLER. But is not the question now on the motion of the gentleman from Michigan?

The SPEAKER. It is; and on that motion the previous question has been ordered.

Mr. PICKLER. I ask consent to submit one or two questions to the gentleman from Tennessee.

Mr. BOUTELLE. Is there not thirty minutes' debate, under the rule, after the previous question is ordered?

The SPEAKER. But there has already been debate.

Mr. OUTHWAITE. Let the gentleman walk out into the corridor and ask his questions.

Mr. PICKLER. The gentleman from Ohio need not trouble himself about the course I shall pursue.

Mr. BURROWS. Mr. Speaker, let us have the regular order.

The question was taken; and on a division (demanded by Mr. PICKLER) there were—ayes 181, noes 2.

So the motion was agreed to.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, the Senate has already asked for a conference on this bill. I move that the request of the Senate be acceded to, and that the conferees be appointed on the part of the House.

The SPEAKER. If there be no objection, the request for a conference on the part of the Senate will be granted.

There was no objection.

The SPEAKER announced the appointment of Mr. RICHARDSON of Tennessee, Mr. MCKAIG, and Mr. BRODERICK as conferees on the part of the House.

PAYMENT OF CERTAIN CERTIFICATES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent that this bill be put upon its passage. There is a similar bill, identical in its terms, reported from the District Committee.

Mr. DOCKERY. Let the bill be read.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection to the request.

The bill was read, as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby directed to pay to the owners, holders, or assignees of all board of audit certificates redeemed by him under the act approved June 16, 1880, the residue of 2.35 per cent per annum of unpaid legal-rate interest due upon said certificates from their date up to the date of approval of said act providing for their redemption.

SEC. 2. That the Treasurer of the United States is hereby directed to redeem and pay all the remaining outstanding bonds of the District of Columbia known as the "greenback 8 per cent bonds," with interest, as specified in said bonds, from the date of issue to the date of maturity thereof, and with interest at the rate of 6 per cent per annum from the date of their maturity to the date of the approval of this act. The Treasurer of the United States is hereby directed to sell a sufficient amount of the unissued 3.65 bonds of the District of Columbia to cover the provisions of this act.

Mr. BRYAN. I would like to ask the gentleman from Massachusetts a question.

Mr. COGSWELL. Certainly.

Mr. BRYAN. When were these bonds issued?

Mr. COGSWELL. Certain of these bonds were issued following 1876.

I will state to the gentleman that when the District assumed its present form of government a board of audit was appointed to take up and adjust the floating indebtedness of the District; and the law provided that certificates of indebtedness might be issued by the board, which were convertible into 3.65 District bonds. There were a certain number of certificate holders who did not get their certificates converted in time; that is, before they were all issued Congress came in and repealed the act, and some certificates were left out.

Finding its mistake, Congress in 1880 restored the provisions of the old law, and allowed the certificate holders to convert the certificates into bonds. By a clerical error, however, while all of the other certificate holders have been paid 6 per cent from the time of issuing the certificates—by a clerical error, as shown in the report accompanying the bill reported from the District Committee—it was omitted to provide that these certificate holders who had been left out should also be paid 6 per cent on their certificates from the time of issuing the same.

So that they took the 3.65 bonds under protest, and this bill is to allow them the difference between the 3.65's and the 6 per cent, which puts them on all fours with the other certificate holders.

Mr. BRYAN. What is the amount?

Mr. COGSWELL. About $40,000. There will be no expense to the Treasury, because these bonds are ready to be issued.

Mr. COX. What committee reported the bill?

Mr. COGSWELL. The Committee on the District of Columbia. It has been reported three times and has received the favorable consideration of committees in both Houses.

Mr. BRYAN. Does this come out of the general funds of the Government or out of the District funds?

Mr. COGSWELL. It comes out of these bonds, $200,000 of which have not been issued at all. It does not take any money out of the Treasury. It comes out of these bonds that have already been provided for.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. COGSWELL. Certainly.

Mr. KILGORE. Do I understand that by the passage of this bill you impose no additional charge upon the Treasury?

Mr. COGSWELL. No additional charge upon the Treasury.

Mr. KILGORE. And that whatever money is to be disbursed under this measure must be paid out of the revenues of the District of Columbia exclusively?

Mr. COGSWELL. Paid out of bonds which are already provided for, but not issued.

Mr. KILGORE. By the District of Columbia?

Mr. COGSWELL. Yes. District bonds.

Mr. BRYAN. Then it will be paid by the issue of new bonds?

Mr. COGSWELL. By the issue of bonds already provided for.

Mr. BRYAN. But not issued.

Mr. COGSWELL. But not issued. It is a balance left over of bonds not issued.

Mr. BOWERS of California. Authorized?

Mr. COGSWELL. Authorized by Congress.

Mr. BRYAN. Then it will simply be paying it out of the bonds now, and paying the bonds hereafter.

Mr. COGSWELL. Yes.

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

There was no objection.

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

On motion of Mr. COGSWELL, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the bill H. R. 6167, on the same subject, was ordered to lie on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2582) to authorize the appointment of James William Abert to the retired list of the Army;

A bill (H. R. 868) for the relief of Charles B. Stivers;

A bill (H. R. 3858) to pension Mrs. Ella B. Peirce, widow of Charles Peirce, of New Bedford, Mass.;

A bill (H. R. 6921) for the relief of George B. Crosby;

A bill (H. R. 7494) disposing of four condemned cannon of the Navy;

A bill (H. R. 7419) for the construction of a military road from the city of El Paso to Fort Bliss, Tex;

A bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof and use of proceeds for school purposes;

A bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps; and

A bill (H. R. 2996) for the relief of Mrs. E. S. Luke, widow of John L. Luke, late a soldier in the Black Hawk war.

The message also announced that the Senate had passed joint resolution (S. R. 91) to provide for the printing of a digest of the laws and decisions relating to the appointment, salary, and

compensation of officials of the United States courts; in which the concurrence of the House was requested.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. COCKRELL, Mr. GORMAN, and Mr. ALLISON as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 213) to pay for alley condemned in square No. 493, in the city of Washington, D. C.;

A bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes relating to barratry on the high seas;

A bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska; and

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the sundry civil appropriation bill and agree to the conference, and that the amendments be printed, together with the bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to make an order that the House nonconcur in the Senate amendments to the sundry civil bill, and agree to the conference asked by the Senate, and that the bill and amendments be printed. Is there objection?

Mr. KILGORE. Now, Mr. Speaker, there are a number of amendments put on that bill by the Senate which, on a point of order, would have to be considered in the Committee of the Whole, and I think they ought to be so considered.

Mr. SAYERS. I will say to the gentleman from Texas that it is important that this bill should go into conference, because several items will have to be brought back for the consideration of the House, and they may delay the session of Congress——

Mr. KILGORE. But no amendment can be considered to the same advantage after it comes back from conference as it could now. For instance, there is an appropriation in the bill to buy the Mahone property for a Government Printing Office site.

Mr. SAYERS. I will state to the gentleman that that amendment will be brought back to the House, free and untrammeled, so that it may be considered separately and on its merits.

Mr. KILGORE. And other amendments like that?

Mr. SAYERS. Any amendment upon which we think that ought to be done.

Mr. KILGORE. I make no objection then.

The SPEAKER. Is there objection to making the order asked for?

There was no objection.

Accordingly the House nonconcurred in the amendments to the sundry civil bill, and agreed to the conference asked by the Senate, and the bill and amendments were ordered to be printed.

The SPEAKER announced as conferees on the part of the House Mr. SAYERS, Mr. O'NEIL of Massachusetts, and Mr. COGSWELL.

JOHN T. HEARD.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

A bill (H. R. 7874) to enable the Secretary of the Interior to pay JOHN T. HEARD for professional services rendered the "Old Settlers," or Western Cherokee Indians, out of the funds of said Indians.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to JOHN T. HEARD, for professional services rendered, out of any moneys appropriated or to be appropriated by Congress for the "Old Settlers," or Western Cherokee Indians, by reason of a judgment rendered June 6, 1893, by the Court of Claims, in favor of the "Old Settlers," or Western Cherokee Indians, in case No. 16599, for certain moneys and lands due, arising from or growing out of certain treaty stipulations or acts of Congress, amounting to $800,386.31, in compliance with the mandate of the Supreme Court of the United States, the sum of $10,000, or such part thereof, if any, as shall remain of the 35 per cent set apart by resolution in various councils of said "Old Settlers," or Western Cherokee Indians, for the expense of the prosecution of said claim, after the ascertainment and determination of the amount of such fees and charges and other claims as are properly chargeable against said 35 per cent: *Provided*, That the Secretary of the Interior shall first determine that the said professional services were rendered to said "Old Settlers," or Western Cherokee Indians, and were contracted for in good faith by persons authorized to represent said Indians.

The SPEAKER. Is there objection?

Mr. KILGORE. Mr. Speaker, I desire to ask the gentleman one or two questions which, if properly explained, would satisfy me. I understand this amount is for services rendered to the Cherokee Indians many years ago?

Mr. CLARK of Missouri. Yes.

Mr. KILGORE. By Mr. HEARD; and before he was a member of Congress?

Mr. CLARK of Missouri. Yes, sir.

Mr. KILGORE. Now, another question. I understand that the appropriation provided for upon that bill must be satisfied out of the funds of these Indians?

Mr. CLARK of Missouri. Yes, sir.

Mr. KILGORE. And that they are willing to do it?

Mr. CLARK of Missouri. Yes.

Mr. Speaker, I will state this: Mr. HEARD was employed by these Indians in 1882; and assisted other counsel in getting the case referred to the Court of Claims, under the "Bowman act," for a finding of facts, and in the preparation of the same for trial. In November, 1884, Mr. HEARD was elected a Representative in Congress, and the cause being then ready for hearing, it was advanced on the docket by the court in order that it might be argued by Mr. HEARD before his Congressional term began, and it was so argued by him, and a finding of facts made by said court favorable to the claimants.

He terminated his connection with the case after said finding of facts was reported to Congress, and made a contract with his clients by the terms of which he was to receive a fee of $22,500, upon the payment of the money to claimants, if the amount indicated by said findings should be recovered; but that the amount paid him should be less or more than that sum, according as the amount of the final collection might vary from said sum. Therefore the amount which Mr. HEARD would be entitled to receive could not be known definitely until the basis of settlement between the claimants and the Government should have been fixed by Congress or the courts.

Congress rereferred the case to the Court of Claims, with directions to try it and find a judgment according to the points of law and equity involved, with the right of appeal to the Supreme Court of the United States.

Other attorneys had to be employed to complete the work which Mr. HEARD had begun; and in view of that fact, when the final judgment was rendered in favor of claimants, Mr. HEARD made his final contract with his clients, and reduced his fee to $10,000. This contract was duly made and authenticated according to law, and its terms approved by the Indians as shown by resolutions unanimously adopted in their annual council on June 28, 1893. Said contract was duly presented by Mr. HEARD to the Commissioner of Indian Affairs for approval; but owing to an opinion of the Attorney-General of the United States, referring to such cases (although made nearly a year after Mr. HEARD had concluded his services), the Commissioner could not approve the same, or withhold from the funds of the Indians the money to pay the fee provided for therein, because the contract did not antedate the rendition of the services.

The Commissioner of Indian Affairs, however, recommended to the Secretary of the Interior that since the claim of Mr. HEARD was so obviously just, that a bill should be sent to Congress for enactment which would enable the Department to carry out in good faith the contract which the Indians had made, and which they expressed their desire to live up to. The Secretary adopted said recommendation, and this is the bill he sent here, and exactly in the form in which he prepared it. The Department recommends its passage and the payment of the contract money. The Indians want to pay it, and Mr. HEARD does not object to its being paid. [Laughter and applause.]

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

Mr. BOWERS of California. Wait a moment. Is this to be paid from the Treasury or from the Indians' money?

Mr. CLARK of Missouri. It is to be paid from the Indians' money; and I ask for the reading of a letter from the agent of these Indians, who lives among them, and who originally employed Mr. HEARD and knows what his services have been worth to the claimants, written on yesterday, and addressed to the gentleman from Indiana, Judge HOLMAN, Chairman of the Committee on Indian Affairs in this House, and by him handed to me this morning, stating that the Indians desire the passage of the bill. [General cries of "Vote!"]

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

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

On motion of Mr. CLARK of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the letter to Judge HOLMAN be printed as a part of my remarks.

The SPEAKER. Without objection that can be done.

There was no objection.

The letter is as follows:

AUGUST 1, 1894.

DEAR SIR: The passage of House bill No. 7874, recommended to Congress by the Secretary of the Interior, to enable him to pay Hon. JOHN T. HEARD for professional services rendered to the Old Settlers or Western Cherokee Indians, out of funds belonging to them, is not objected to by said Indians, and ought to pass. It will enable them to carry out in good faith their contract made with Mr. HEARD.

The services rendered by him before the committees of Congress and in the Court of Claims were very valuable, and the contract made with him, by me, as the representative of said Indians, has been fully ratified by them, as is shown by a resolution of their council, on file in the office of the Commissioner of Indian Affairs; and they desire Congress to authorize the Secretary of the Interior to settle with Mr. HEARD according to the terms of said agreement.

J. M. BRYAN,
Old Settler, Cherokee Commissioner, and Treasurer.

Hon. WILLIAM S. HOLMAN,
Chairman Committee on Indian Affairs, House of Representatives.

UNLAWFUL VIOLENCE ON ACCOUNT OF CRIME.

Mr. BLAIR. Mr. Speaker, I desire to send to the desk a joint resolution, which I shall ask to have read, and then will ask unanimous consent of the House for its present consideration.

The Clerk read as follows:

Joint resolution, providing for the investigation of acts of unlawful violence throughout the country, alleged to have been inflicted on account of crimes.

Resolved by the Senate and House of Representatives in Congress assembled, That the Commissioner of Labor be instructed to investigate, ascertain, and report the number, date, location, and attendant facts and circumstances of *all alleged* assaults by males upon females throughout the country during the ten years last preceding the passage of this joint resolution, for or on account of which organized but unlawful violence has been inflicted or attempted to be inflicted upon those charged with making such assaults.

Also, to ascertain and report all acts of organized but unlawful violence to the person, with the attendant facts and circumstances, which have been inflicted upon accused persons or persons alleged to have been guilty of crimes punishable by due process of law which have taken place in any part of the country within the ten years last preceding the passage of this resolution, whether such acts of organized but unlawful violence were inflicted by whipping, lynching, or otherwise, on account of offenses or alleged offenses against the laws and punishable by due process thereof.

Such investigation shall be made by the usual methods and agencies of the Department of Labor, and report made to Congress as soon as the work can be satisfactorily done; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses out of any money in the Treasury not otherwise appropriated.

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

Mr. COX. I object.

Mr. BLAIR. I ask that the resolution, then, be referred to the Committee on Labor.

Mr. DUNPHY. Regular order.

The SPEAKER. By unanimous consent it can be referred to the Committee on Labor. Is there objection?

Mr. WILLIAMS of Mississippi and Mr. COX. I object.

The SPEAKER. As objection is made, the Chair will look at it and refer the resolution under the rule.

LEAVE OF ABSENCE.

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

To Mr. CAMPBELL, until Wednesday, on account of sickness in his family.

To Mr. GRAHAM, indefinitely, on account of sickness.

To Mr. HALL of Missouri, to-day, on account of sickness.

To Mr. HATCH, for three days, on account of sickness.

To Mr. TAYLOR of Indiana, indefinitely, on account of illness.

Mr. OUTHWAITE. Mr. Speaker, I submit a report from the Committee on Rules, for immediate consideration.

The report was read, as follows:

Resolved, That to-day after the second morning hour and until 5 o'clock, be assigned to the consideration of bills reported and called up by the Committee on the Post-Office and Post-Roads; this order not to interfere with revenue or appropriation bills, conference reports, or reports from the Committee on Rules.

Mr. BUNN. Mr. Speaker, to-day being Friday, the day set apart by the rules for the consideration of business on the Private Calendar, I really think, in view of the fact that so little time is given to the consideration of private bills, that the House, in the interest of the Private Calendar, ought to vote down this proposed rule. Representing, as I do, the Committee on Claims, I insist that that committee should be given an opportunity to present its business for the consideration of the House.

In view of the fact that only a short time remains until this Congress will adjourn I think we ought to have at least the day which is set apart in the rules for the consideration of our reports. If this thing goes on I do not know where it will end. We are expected by members of the House to sit in our committee room day after day and consider bills of a private nature, and I hardly ever come into this Hall without being approached by some member urging that the committee shall give consideration to some bill in which he is interested. The members of the committee over which I have the honor to preside have met regularly and transacted their business faithfully, and we have begged the House of Representatives to give us time to have our reports considered, but during this entire session of Congress—yea, more than that, sir—during both the sessions of the Fifty-third Congress, taking the two sessions together, we have had but one-half day for the consideration of business reported from our committee. And this, too, although every Friday is set apart by the rules for the consideration of business on the Private Calendar.

It seems to me, Mr. Speaker, that it is time the House should adhere to that rule. It seems to me all the more reasonable to insist on this now, because the Committee on the Post-Office and Post-Roads is, I understand, the next committee to be called in the second morning hour, and that will give an opportunity for it to present bills for the consideration of the House. I do not think that the Committee on Claims ought to be set aside by the House in this way and no consideration given to its business unless what can be obtained by unanimous consent.

The House, to be sure, has been very liberal in unanimous consents, but there are certain bills upon the Calendar reported from our committee which are absolutely just, against which nobody can reasonably raise a voice, and we ask for time to have those bills considered by the House. I move, Mr. Speaker, to lay this rule upon the table. [After a pause.] I withdraw that motion.

Mr. OUTHWAITE. Mr. Speaker, it is not altogether the fault of the House of Representatives that the Committee on Claims has not had time for the consideration of its business, or that it has not succeeded in passing its bills. I remember a day not long ago when that committee was called when they brought up no bills, although under the call they would have had two hours. I do not propose to charge any neglect upon the committee, but I understand that they have got through a great number of bills by unanimous consent.

When this pending rule was first prepared, it contained a provision assigning yesterday to the Committee on Claims, but other business of the House pressed forward and the time was occupied to such an extent that the gentleman in charge of the business of that committee did not care to use the hour or two that remained.

Mr. CLARK of Missouri. Does not the gentleman from Ohio know that four or five weeks ago there was a tacit understanding that if our committee would give way, so as to let the House proceed with other business, a day should be set apart later for the business of the Committee on Claims?

Mr. OUTHWAITE. Certainly; and in compliance with that understanding this rule was originally prepared, assigning yesterday to that committee.

Mr. WILSON of Washington. Mr. Speaker, I make the point that a motion to lay on the table is not debatable.

Mr. PICKLER. Mr. Speaker, I rise to a point of order. The gentleman from Ohio [Mr. OUTHWAITE] has presented a report from the Committee on Rules, and the gentleman from North Carolina has moved to lay it on the table.

Mr. BUNN. I withdrew that motion.

Mr. PICKLER. There was no consent given for the gentleman to withdraw it.

The SPEAKER. No consent was required. Any gentleman can withdraw any motion he makes unless the House has taken some action upon it.

Mr. PICKLER. Not without getting the floor to do so, and the gentleman from North Carolina [Mr. BUNN] did not have the floor. He moved to lay the rule on the table, and so the matter stands, and the gentleman from Ohio [Mr. OUTHWAITE] is out of order.

The SPEAKER. The gentleman from Ohio, the Chair understands, is demanding the previous question upon the adoption of the report.

Mr. BUNN. Mr. Speaker, I ask the gentleman from Ohio, before he makes that demand, to yield to me for one question.

The SPEAKER. Does the gentleman from Ohio withdraw the demand for the previous question?

Mr. OUTHWAITE. I wish to yield to gentlemen for questions or for any propositions that are pertinent——

Mr. PICKLER. Mr. Speaker, I object. The previous question is ordered, as I understand it.

The SPEAKER. It rests with the gentleman from Ohio to demand the previous question or not.

Mr. OUTHWAITE. I have not yet demanded the previous question.

Mr. PICKLER. I think the gentleman did.

Mr. OUTHWAITE. Oh, well; you are mistaken. The record will show that I am correct. Now, I want to yield for a question from the gentleman from North Carolina [Mr. BUNN].

Mr. BUNN. I want to ask the gentleman whether, in withholding from us a day yesterday, it was the purpose of the Committee on Rules to take from us to-day also?

Mr. OUTHWAITE. Oh, no; not at all.

Mr. BUNN. Then, why was not the rule so shaped as to give us back the day, unless you meant to take it from us?

Mr. OUTHWAITE. There was no purpose of that kind.

Mr. BUNN. Is not that the effect?

Mr. OUTHWAITE. I move the previous question.

Mr. ENLOE. I would like to ask the gentleman from Ohio a question.

Mr. OUTHWAITE. I will yield to the gentleman for a question.

Mr. ENLOE. I should like to find out if I can the character of business from the Post-Office Committee which is so urgent as to justify bringing in this order and how much money it is proposed to appropriate if the committee can have its way.

Mr. OUTHWAITE. That is a matter that can be discussed later on, if the House should decide to give the day to the Post-Office Committee.

Mr. WILSON of Washington. Mr. Speaker, is not the previous question operating?

The SPEAKER. The call for the previous question has been withdrawn, as the Chair understands.

Mr. WILSON of Washington. It has been demanded twice.

Mr. OUTHWAITE. The previous question has not been demanded once.

Mr. PICKLER. Yes, sir; it was demanded just now by you and then you yielded.

Mr. WILSON of Washington. The gentleman from Ohio has made the demand twice for the previous question.

The SPEAKER. It is not uncommon for a gentleman to demand the previous question, and then withdraw it upon the request of some member.

Mr. WILSON of Washington. Certainly; but we have not heard the gentleman withdraw it. If he does so, all right.

The SPEAKER. The Chair understood the gentleman to withdraw it. There is so much confusion it is difficult to understand what is taking place.

Mr. OUTHWAITE. I stated that I would withdraw the call for the previous question for the purpose of yielding to the gentleman from Tennessee. I yielded for that gentleman's question and am now answering it. And now these other gentlemen begin to talk at random.

Mr. WILSON of Washington. Oh, no.

Mr. PICKLER. The gentleman withdraws the previous question to let somebody in.

Mr. OUTHWAITE. I am entitled to hold the floor for an hour, yielding to anyone that I may choose.

Mr. ENLOE. I desired to know what business of the Post-Office Committee was to be brought up. I begin to suspect from the interruptions which have occurred and from the failure to get the information I asked for, that gentlemen do not want the House to know what business it is that is to come from that committee.

Mr. OUTHWAITE. I will simply say it is the business of that committee on the Calendar. Whatever business the chairman of the committee may be directed by his committee to bring up can be brought up under this order.

Mr. ENLOE. I have understood the committee wanted to bring up a bill to increase the compensation of clerks in the post-offices throughout the country.

Mr. COX. Will the gentleman from Ohio yield to me for a moment?

Mr. OUTHWAITE. For a question?

Mr. COX. Yes, sir.

Mr. OUTHWAITE. Certainly I will yield.

Mr. COX. Do you think it right to let in the Committee on the Post-Office and Post-Roads, to the exclusion of the Committee on Claims, when the latter committee has not had a day for its business during this Congress? Does the gentleman think that is right?

Mr. OUTHWAITE. It seems to me that on last Friday the Committee on Claims lost its day with the acquiescence of its chairman.

Mr. COX. Now, come right down to the gist of the matter: Do you think you are treating us right?

Mr. OUTHWAITE. I certainly think there is nothing wrong in this proposed rule, or I should not advocate it.

Mr. COX. Do you think you are dealing squarely with us?

Mr. OUTHWAITE. Certainly; with you and your committee. Mr. Speaker, I move the previous question on the adoption of this proposed rule.

The question being taken; there were on a division—ayes 94, noes 29.

Mr. PICKLER. No quorum.

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

The yeas and nays were ordered.

Mr. OUTHWAITE and Mr. BUNN were appointed to act as tellers during the call of the yeas and nays.

The question was taken; and there were—yeas 174, nays 54, answered "present" 1, not voting 122; as follows:

YEAS—174.

Abbott,	Covert,	Hermann,	Outhwaite,
Adams, Pa.	Crawford,	Hicks,	Page,
Aitken,	Culberson,	Hines,	Paschal,
Alderson,	Cummings,	Hitt,	Pearson,
Aldrich,	Curtis, Kans.	Hooker, N. Y.	Pence,
Arnold,	Curtis, N. Y.	Houk,	Perkins,
Avery,	Daniels,	Hudson,	Phillips,
Babcock,	Davey,	Johnson, Ind.	Pigott,
Bailey,	Davis,	Johnson, N. Dak.	Post,
Baker, Kans.	De Forest,	Kem,	Powers,
Baker, N. H.	Dinsmore,	Kiefer,	Price,
Baldwin,	Dolliver,	Kyle,	Quigg,
Barnes,	Doolittle,	Lane,	Randall,
Bartlett,	Draper,	Lapham,	Rayner,
Barwig,	Dunn,	Lawson,	Reed,
Bell, Colo.	Dunphy,	Layton,	Re lly,
Bell, Tex.	Durborow,	Lester,	Reyburn,
Bingham,	Edmunds,	Loud,	Russell, Conn.
Black, Ill.	Ellis, Ky.	Loudenslager,	Sayers,
Blair,	Ellis, Oregon	Lucas,	Stephenson,
Boatner,	English, N. J.	Lynch,	Straus,
Boutelle,	Epes,	Maddox,	Strong,
Bowers, Cal.	Fielder,	Maguire,	Sweet,
Bretz,	Fithian,	Mahon,	Talbott, Md.
Broderick,	Fletcher,	Marsh,	Tarsney,
Brookshire,	Funk,	Marshall,	Terry,
Brosius,	Gardner,	Marvin, N. Y.	Tracey,
Bryan,	Geary,	McCall,	Tucker,
Bundy,	Geissenhainer,	McCleary, Minn.	Turner, Va.
Burrows,	Goldzier,	McCreary, Ky.	Tyler,
Bynum,	Gorman,	McDannold,	Updegraff,
Cadmus,	Grosvenor,	McDowell,	Van Voorhis, N. Y.
Caminetti,	Hainer,	McEttrick,	Wanger,
Campbell,	Hall, Minn.	McGann,	Warner,
Cannon, Cal.	Hammond,	McKeighan,	Washington,
Cannon, Ill.	Hartman,	McRae,	Waugh,
Catchings,	Haugen,	Meiklejohn,	Weadock,
Childs,	Hayes,	Mercer,	Wells,
Cobb, Mo.	Heard,	Meyer,	Wheeler, Ill.
Cogswell,	Heiner,	Milliken,	Wilson, Ohio
Coombs,	Henderson, Iowa	Moon,	Wilson, Wash.
Cooper, Fla.	Henderson, N. C.	Northway,	Wright, Mass.
Cooper, Wis.	Hendrix,	Ogden,	
Cousins,	Hepburn,	O'Neil, Mass.	

NAYS—54.

Alexander,	Enloe,	Latimer,	Richardson, Tenn.
Allen,	Everett,	Livingston,	Ritchie,
Berry,	Fyan,	Mallory,	Shell,
Black, Ga.	Grady,	Martin, Ind.	Snodgrass,
Branch,	Grow,	McCulloch,	Springer,
Brickner,	Hare,	McDearmon,	Strait,
Bunn,	Hulick,	McKaig,	Talbert, S. C.
Capehart,	Hunter,	McLaurin,	Tate,
Clark, Mo.	Hutcheson,	Money,	Williams, Ill.
Cockrell,	Ikirt,	Moore,	Williams, Miss.
Cox,	Izlar,	Mutchler,	Wolverton,
De Armond,	Jones,	Neill,	Woodard.
Donovan,	Kilgore,	Pendleton, Tex.	
English, Cal.	Kribbs,	Richards, Ohio	

ANSWERED "PRESENT"—1.

Pickler.

NOT VOTING—122.

Adams, Ky.	Erdman,	McNagny,	Smith,
Apsley,	Forman,	Meredith,	Somers,
Bankhead,	Gear,	Montgomery,	Sorg,
Bartholdt,	Gillet, N. Y.	Morgan,	Sperry,
Belden,	Gillett, Mass.	Morse,	Stallings,
Beltzhoover,	Goodnight,	Moses,	Stevens,
Bland,	Graham,	Murray,	Stockdale,
Boen,	Gresham,	Newlands,	Stone, C. W.
Bower, N. C.	Griffin,	Oates,	Stone, W. A.
Breckinridge, Ark.	Grout,	O'Neill, Mo.	Stone, Ky.
Breckinridge, Ky.	Hager,	Patterson,	Storer,
Brown,	Haines,	Payne,	Swanson,
Burnes,	Hall, Mo.	Paynter,	Tawney,
Cabaniss,	Harmer,	Pendleton, W. Va.	Taylor, Ind.
Caruth,	Harris,	Ray,	Taylor, Tenn.
Causey,	Harter,	Richardson, Mich.	Thomas,
Chickering,	Hatch,	Robbins,	Turner, Ga.
Clancy,	Henderson, Ill.	Robertson, La.	Turpin,
Clarke, Ala.	Holman,	Robinson, Pa.	Van Voorhis, Ohio
Cobb, Ala.	Hooker, Miss.	Rusk,	Wadsworth,
Cockran,	Hopkins, Ill.	Russell, Ga.	Walker,
Coffeen,	Hopkins, Pa.	Ryan,	Wever,
Conn,	Hull,	Schermerhorn,	Wheeler, Ala.
Cooper, Ind.	Johnson, Ohio	Scranton,	White,
Cooper, Tex.	Lacey,	Settle,	Whiting,
Cornish,	Lefever,	Shaw,	Wilson, W. Va.
Crain,	Linton,	Sherman,	Wise,
Dalzell,	Lockwood,	Sibley,	Woomer,
Denson,	Magner,	Sickles,	Wright, Pa.
Dingley,	McAleer,	Simpson,	
Dockery,	McMillin,	Sipe,	

So the previous question was ordered.

The following pairs were announced:
Until further notice:
Mr. WILSON of West Virginia with Mr. DINGLEY.
Mr. HATCH with Mr. HARMER.
Mr. OATES with Mr. STORER.
Mr. STONE of Kentucky with Mr. GEAR.
Mr. GOODNIGHT with Mr. WALKER.
Mr. TAYLOR of Indiana with Mr. BELDEN.
Mr. MONTGOMERY with Mr. TAWNEY.
Mr. WISE with Mr. FLETCHER.
Mr. COBB of Alabama with Mr. SHAW.
Mr. DENSON with Mr. THOMAS.
Mr. RUSK with Mr. SHERMAN.
Mr. ROBBINS with Mr. MORSE.
Mr. SCHERMERHORN with Mr. TAYLOR of Tennessee.
Mr. MCMILLIN with Mr. HOUK.
Mr. GRESHAM with Mr. MAHON.
Mr. CONN with Mr. HOOKER of New York.
Mr. WHEELER of Alabama with Mr. WRIGHT of Pennsylvania.
Mr. MOSES with Mr. WADSWORTH.
Mr. WHITING with Mr. WHITE.
Mr. STOCKDALE with Mr. BRODERICK.
Mr. STALLINGS with Mr. SCRANTON.
Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.
Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.
Mr. CABANISS with Mr. PHILLIPS.
Mr. TURPIN with Mr. GILLETT of Massachusetts.
Mr. LOCKWOOD with Mr. WEVER.
Mr. CRAIN with Mr. SETTLE.
For this day:
Mr. PAYNTER with Mr. VAN VOORHIS of Ohio.
Mr. SIPE with Mr. RAY.
Mr. ALDERSON with Mr. APSLEY.
Mr. CARUTH with Mr. SMITH of Illinois.
Mr. TURNER of Georgia with Mr. CHICKERING.

The result of the vote was then announced as above recorded.

Mr. BYNUM. I move to reconsider the vote by which the previous question was ordered.

Mr. DUNPHY. I move to lay that motion on the table.

The question was taken; and on a division (demanded by Mr. BYNUM) there were—ayes 93, noes 2.

Mr. BYNUM. No quorum.

The SPEAKER announced the appointment of Mr. BYNUM and Mr. OUTHWAITE as tellers.

Mr. DUNPHY. I ask the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed Mr. DUNPHY and Mr. BYNUM as tellers at the desk.

The question was taken; and there were—yeas 172, nays 41, answered "present" 1, not voting 137; as follows:

YEAS—172.

Abbott,	Cooper, Wis.	Hicks,	Murray,
Adams, Pa.	Covert,	Hooker, N. Y.	Mutchler,
Aitken,	Crawford,	Ikirt,	Northway,
Alderson,	Culberson,	Johnson, Ind.	Ogden,
Aldrich,	Cummings,	Johnson, N. Dak.	O'Neil, Mass.
Alexander,	Curtis, Kans.	Kem,	Outhwaite,
Arnold,	Curtis, N. Y.	Kiefer,	Paschal,
Avery,	Dalzell,	Kribbs,	Payne,
Baker, Kans.	Daniels,	Kyle,	Pearson,
Baker, N. H.	Davey,	Lacey,	Pendleton, W. Va.
Baldwin,	Davis,	Lane,	Perkins,
Bankhead,	De Armond,	Lapham,	Phillips,
Barnes,	Dockery,	Latimer,	Pigott,
Bartlett,	Dolliver,	Lawson,	Powers,
Barwig,	Doolittle,	Layton,	Price,
Bell, Colo.	Draper,	Loud,	Quigg,
Bingham,	Dunn,	Loudenslager,	Reyburn,
Black, Ill.	Dunphy,	Lucas,	Richardson, Mich.
Blair,	Durborow,	Lynch,	Robertson, La.
Bland,	Ellis, Oregon	Magner,	Ryan,
Boatner,	Fielder,	Maguire,	Sorg,
Boutelle,	Funk,	Mahon,	Sperry,
Bowers, Cal.	Fyan,	Mallory,	Stevens,
Branch,	Gardner,	Marsh,	Stockdale,
Bretz,	Geary,	Marshall,	Stone, C. W.
Broderick,	Geissenhainer,	Martin, Ind.	Stone, W. A.
Brookshire,	Goldzier,	Marvin, N. Y.	Strong,
Brosius,	Grady,	McCall,	Sweet,
Brown,	Grosvenor,	McCleary, Minn.	Talbott, Md.
Bryan,	Grow,	McCreary, Ky.	Tarsney,
Bundy,	Hager,	McDannold,	Terry,
Cadmus,	Hainer,	McDearmon,	Tracey,
Caminetti,	Haines,	McDowell,	Turner, Va.
Campbell,	Hall, Minn.	McEttrick,	Tyler,
Cannon, Cal.	Hall, Mo.	McLaurin,	Updegraff,
Cannon, Ill.	Hammond,	McNagny,	Van Voorhis, N. Y.
Catchings,	Hartman,	McRae,	Warner,
Childs,	Haugen,	Meiklejohn,	Washington,
Cobb, Mo.	Hayes,	Mercer,	Waugh,
Cockrell,	Henderson, Iowa	Meredith,	Weadock,
Cogswell,	Henderson, N. C.	Meyer,	Wells,
Coombs,	Hendrix,	Milliken,	Wheeler, Ill.
Cooper, Fla.	Hermann,	Moon,	Wright, Mass.

NAYS—41.

Allen,	Everett,	Maddox,	Strait,
Bell, Tex.	Fithian,	McCulloch,	Swanson.
Berry,	Grout,	McKaig,	Talbert, S. C.
Black, Ga.	Hare,	Moore,	Tate,
Bunn,	Hunter,	Morgan,	Williams, Ill.
Bynum,	Hutcheson,	Neill,	Williams, Miss.
Clark, Mo.	Izlar,	Pendleton, Tex.	Wolverton,
Cox,	Jones,	Richards, Ohio	Woodard.
Donovan,	Kilgore,	Ritchie,	
English, Cal.	Lester,	Shell,	
Enloe,	Livingston,	Snodgrass,	

ANSWERED "PRESENT"—1.

Pickler.

NOT VOTING—137.

Adams, Ky.	Ellis, Ky.	Lockwood,	Sickles,
Apsley,	English, N. J.	McAleer,	Simpson,
Babcock,	Epes,	McGann,	Sipe,
Bailey,	Erdman,	McKeighan,	Smith,
Bartholdt,	Fletcher,	McMillin,	Somers,
Belden,	Forman,	Money,	Springer,
Beltzhoover,	Gear,	Montgomery,	Stallings,
Boen,	Gillet, N. Y.	Morse,	Stephenson,
Bower, N. C.	Gillett, Mass.	Moses,	Stone, Ky.
Breckinridge, Ark.	Goodnight,	Newlands,	Storer,
Breckinridge, Ky.	Gorman,	Oates,	Straus,
Brickner,	Graham,	O'Neill, Mo.	Tawney,
Burnes,	Gresham,	Page,	Taylor, Ind.
Burrows,	Griffin,	Patterson,	Taylor, Tenn.
Cabaniss,	Harmer,	Paynter,	Thomas,
Capehart,	Harris,	Pence,	Tucker,
Caruth,	Harter,	Post,	Turner, Ga.
Causey,	Hatch,	Randall,	Turpin,
Chickering,	Heard,	Ray,	Van Voorhis, Ohio
Clancy,	Heiner,	Rayner,	Wadsworth,
Clarke, Ala.	Henderson, Ill.	Reed,	Walker,
Cobb, Ala.	Hepburn,	Reilly,	Wanger,
Cockran,	Hines,	Richardson, Tenn.	Wever,
Coffeen,	Hitt,	Robbins,	Wheeler, Ala.
Conn,	Holman,	Robinson, Pa.	White,
Cooper, Ind.	Hooker, Miss.	Rusk,	Whiting.
Cooper, Tex.	Hopkins, Ill.	Russell, Conn.	Wilson, Ohio
Cornish,	Hopkins, Pa.	Russell, Ga.	Wilson, Wash.
Cousins,	Houk,	Sayers,	Wilson, W. Va.
Crain,	Hudson,	Schermerhorn,	Wise,
De Forest,	Hulick,	Scranton,	Woomer,
Denson,	Hull,	Settle,	Wright, Pa.
Dingley,	Johnson, Ohio	Shaw,	
Dinsmore,	Lefever,	Sherman,	
Edmunds,	Linton,	Sibley,	

So the motion to reconsider was laid upon the table.

Mr. PAGE. I was not in the Hall of the House when my name was called, but desire to be recorded as present.

The SPEAKER. The Chair can not entertain the request.

The result of the vote was then announced as above recorded.

The question recurring on the adoption of the resolution, on a division (demanded by Mr. BYNUM) there were—ayes 95, noes 10.

Mr. BYNUM. No quorum.

Mr. OUTHWAITE. I demand the yeas and nays.

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

Mr. KILGORE. And pending that, I move that when the House adjourns to-day it be to meet at 12 o'clock on Monday next.

The SPEAKER. That motion is not in order. But one motion to adjourn can be entertained, pending the consideration of the report of the Committee on Rules.

The question being taken on the motion of Mr. PICKLER, it was rejected.

The SPEAKER. The gentleman from Ohio demands the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

The SPEAKER appointed Mr. DUNPHY and Mr. BYNUM as tellers at the desk.

The question was taken; and there were—yeas 177, nays 40, answered "present" 2, not voting 132; as follows:

YEAS—177.

Abbott,	Broderick,	Cummings,	Haines,
Adams, Pa.	Brookshire,	Curtis, N. Y.	Hall, Minn.
Aitken,	Brosius,	Dalzell,	Hammond,
Alderson,	Brown,	Daniels,	Hare,
Aldrich,	Bryan,	Davis,	Hartman,
Alexander,	Bundy,	De Forest,	Haugen,
Arnold,	Cabaniss,	Dinsmore,	Hayes,
Avery,	Cadmus,	Doolittle,	Henderson, Iowa
Baker, Kans.	Caminetti,	Draper,	Henderson, N. C.
Baker, N. H.	Campbell,	Dunn,	Hendrix,
Baldwin,	Cannon, Cal.	Dunphy,	Hermann,
Bankhead,	Cannon, Ill.	Durborow,	Hines,
Barnes,	Catchings,	Ellis, Oregon	Hitt,
Bartlett,	Clancy,	Fielder,	Hooker, N. Y.
Barwig,	Cobb, Mo.	Fletcher,	Hulick,
Bell, Colo.	Coffeen,	Funk,	Johnson, Ind.
Bingham,	Coombs,	Fyan,	Johnson, N. Dak.
Black, Ill.	Cooper, Fla.	Gardner,	Kem,
Blair,	Cooper, Tex.	Geary,	Kiefer,
Boatner,	Cooper, Wis.	Geissenhainer,	Kyle,
Boen,	Cousins,	Goldzier,	Lacey,
Boutelle,	Covert,	Grosvenor,	Lane,
Bowers, Cal.	Crawford,	Hager,	Lapham,
Brickner,	Culberson,	Hainer,	Lawson,

Layton,	McNagny,	Pence,	Stone, W. A.
Livingston,	McRae,	Pendleton, W. Va.	Straus,
Loud,	Meiklejohn,	Perkins,	Strong,
Loudenslager,	Mercer,	Phillips,	Sweet,
Lucas,	Money,	Pickler,	Talbott, Md.
Lynch,	Moon,	Pigott,	Tarsney,
Maddox,	Moore,	Post,	Terry,
Maguire,	Morgan,	Powers,	Tracey,
Mahon,	Murray,	Price,	Tyler,
Marsh,	Mutchler,	Quigg,	Updegraff,
Martin, Ind.	Neill,	Randall,	Van Voorhis, N.Y.
Marvin, N.Y.	Northway,	Rayner,	Wanger,
McCall,	Ogden,	Reyburn,	Warner,
McCleary, Minn.	O'Neil, Mass.	Richardson, Mich.	Washington,
McCreary, Ky.	O'Neill, Mo.	Robertson, La.	Waugh,
McDannold,	Outhwaite,	Russell, Conn.	Weadock,
McDowell,	Page,	Sayers,	Wheeler, Ill.
McEttrick,	Paschal,	Sorg,	Wilson, Wash.
McGann,	Patterson,	Sperry,	
McKaig,	Payne,	Stephenson,	
McKeighan,	Pearson,	Stone, C. W.	

NAYS—40.

Allen,	De Armond,	Ikirt,	Ritchie,
Bell, Tex.	Dockery,	Izlar,	Shell,
Black, Ga.	English, Cal.	Kilgore,	Strait,
Bland,	Everett,	Kribbs,	Talbert, S. C.
Branch,	Fithian,	Latimer,	Tate,
Bunn,	Gorman,	McCulloch,	Tucker,
Capehart,	Grady,	McDearmon,	Williams, Ill.
Clark, Mo.	Heiner,	McLaurin,	Williams, Miss.
Cockrell,	Hunter,	Pendleton, Tex.	Wolverton,
Cox,	Hutcheson,	Richards, Ohio	Woodard.

ANSWERED "PRESENT"—2.

Bretz,	Cooper, Ind.

NOT VOTING—132.

Adams, Ky.	English, N. J.	Lester,	Simpson,
Apsley,	Enloe,	Linton,	Sipe,
Babcock,	Epes,	Lockwood,	Smith,
Bailey,	Erdman,	Magner,	Snodgrass,
Bartholdt,	Forman,	Mallory,	Somers,
Belden,	Gear,	Marshall,	Springer,
Beltzhoover,	Gillet, N. Y.	McAleer,	Stallings,
Berry,	Gillett, Mass.	McMillin,	Stevens,
Bower, N. C.	Goodnight,	Meredith,	Stockdale,
Breckinridge, Ark.	Graham,	Meyer,	Stone, Ky.
Breckinridge, Ky.	Gresham,	Milliken,	Storer,
Burnes,	Griffin,	Montgomery,	Swanson,
Burrows,	Grout,	Morse,	Tawney,
Bynum,	Grow,	Moses,	Taylor, Ind.
Caruth,	Hall, Mo.	Newlands,	Taylor, Tenn.
Causey,	Harmer,	Oates,	Thomas,
Chickering,	Harris,	Paynter,	Turner, Ga.
Childs,	Harter,	Ray,	Turner, Va.
Clarke, Ala.	Hatch,	Reed,	Turpin,
Cobb, Ala.	Heard,	Reilly,	Van Voorhis, Ohio
Cockran,	Henderson, Ill.	Richardson, Tenn.	Wadsworth,
Cogswell,	Hepburn,	Robbins,	Walker,
Conn,	Hicks,	Robinson, Pa.	Wells,
Cornish,	Holman,	Rusk,	Wever,
Crain,	Hooker, Miss.	Russell, Ga.	Wheeler, Ala.
Curtis, Kans.	Hopkins, Ill.	Ryan,	White,
Davey,	Hopkins, Pa.	Schermerhorn,	Whiting,
Denson,	Houk,	Scranton,	Wilson, Ohio
Dingley,	Hudson,	Settle,	Wilson, W. Va.
Dolliver,	Hull,	Shaw,	Wise,
Donovan,	Johnson, Ohio	Sherman,	Woomer,
Edmunds,	Jones,	Sibley,	Wright, Mass.
Ellis, Ky.	Lefever,	Sickles,	Wright, Pa.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. SPRINGER with Mr. REED.

For the rest of this day:

Mr. HOLMAN with Mr. LEFEVER.

The result of the vote was then announced as above recorded.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. OUTHWAITE. Mr. Speaker, I move that when the House adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CATCHINGS. Mr. Speaker, I present the conference report on the river and harbor appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

(For conference report see Senate proceedings.)

The SPEAKER. The Clerk will report the statement of the House conferees.

The Clerk read as follows:

When the bill passed the House it carried $9,538,689.56. The Senate Committee on Commerce increased the same $3,087,490.44. When the bill was up for consideration in the Senate it was still further increased $164,500, making the total amount as it passed the Senate, $12,790,680. The House conferees succeeded in reducing the Senate bill $1,302,500. The bill as now recommended by the conferees carries $11,488,180.

Mr. CATCHINGS. Mr. Speaker, unless some gentleman desires further information, I will move the previous question on the adoption of the report.

Mr. DALZELL. Does this bill as reported by the conferees contain an appropriation of $20,000 for surveys of canals between Lake Erie and the Ohio River?

Mr. CATCHINGS. It does. I move the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. HOLMAN, for this day, on account of sickness.

COMMITTEE REPORTS.

The SPEAKER. The Clerk will call the committees for reports.

SCHOOL ON OMAHA INDIAN RESERVATION.

Mr. LYNCH, from the Committee on Indian Affairs, reported favorably, with amendments, the bill (S. 870) authorizing the issue of a patent to the Presbyterian Board of Home Missions for certain lands on the Omaha Indian Reservation for school purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NORFOLK, VA.

Mr. MCKAIG, from the Committee on Public Buildings and Grounds, reported a bill (H. R. 6776) to amend "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDINGS OF THE UNITED STATES.

Mr. MCKAIG also, from the Committee on Public Buildings and Grounds, also reported a bill (H. R. 7470) to provide for the securing of plans and for the erection of the public buildings of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompany report, ordered to be printed.

MORNING HOUR.

The SPEAKER. This completes the call of committees for reports. The morning hour begins at five minutes before 3 o'clock, and the call rests with the Committee on Post-Offices and Post-Roads.

Mr. HENDERSON of North Carolina. I ask unanimous consent to pass the Committee on Post-Offices and Post-Roads, with the understanding that it may be recurred to hereafter without prejudice.

Mr. BUNN. I shall have to object to that, Mr. Speaker.

The SPEAKER. Objection is made. The call rests on the Committee on the Post-Office and Post-Roads.

SALARIES OF RAILWAY POSTAL CLERKS.

Mr. HENDERSON of North Carolina. By direction of the Committee on the Post-Office and Post-Roads I call up the bill S. 544.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 544) to reclassify and prescribe the salaries of railway postal clerks.

Ths SPEAKER. This bill is in Committee of the Whole.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole. It does not require any appropriation.

The SPEAKER. But it provides for a charge against the Treasury?

Mr. HENDERSON of North Carolina. Yes, I know that——

Mr. DOCKERY. I think it would be better to consider that bill in Committee of the Whole.

Mr. HENDERSON of North Carolina. I will move, then, that the House resolve itself into the Committee of the Whole to consider this bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of the bill, with Mr. O'NEIL of Massachusetts in the chair.

The CHAIRMAN. The Clerk will report the bill called up by the Committee on the Post-Office and Post-Roads.

The bill was read, as follows:

A bill (S. 544) to reclassify and prescribe the salaries of railway postal clerks.

Be it enacted, etc., That persons in the Railway Mail Service, known as railway postal clerks, shall, on and after the passage of this act, be divided into seven classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding $800; second class, not exceeding $1,000; third class, not exceeding $1,200; fourth class, not exceeding $1,300; fifth class, not exceeding $1,500; sixth class, not exceeding $1,600; seventh

class, not exceeding $1,800: *Provided*, That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix the salaries of clerks of the same class, according to the amount of work done, the number of hours on duty, and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.

SEC. 2. That such railway postal clerks of class 7 as shall be detailed as chief clerks of divisions, and such clerks of class 6 as may be detailed chief clerks of two or more lines, shall, while traveling on the business of the Department, be paid from the appropriation for the transportation of mails on railroads their actual and necessary expenses, but not exceeding $3 per diem.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

SEC. 4. That this act take effect from and after its passage.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask that the Clerk read the formal report and then the report by the gentleman from Mississippi [Mr. KYLE], a member of the Committee on the Post-Office and Post-Roads.

The reports were read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (S. 544) to reclassify and prescribe the salaries of railway postal clerks, have considered the same and recommend its passage.

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5064) to reclassify and prescribe the salaries of railway postal clerks, having considered the same, direct me to report it back to the House with the recommendation that it do pass.

And as a bill (S. 544) similar in all respects to this one has been introduced in the Senate and favorably reported by the proper committee of that body, we take the following, bearing upon the subject in hand, from said report and present it as part of this report:

"The great advances which have been made during recent years in the handling of the mails have been due most largely to the increased efficiency of the Railway Mail Service, and particularly to the increased skill and ability of the railway mail clerks. There is no other class of public servants which is subjected to a like amount of competition. The eagerness of business men to receive their letters with the least possible delay; the desire on the part of the railroads to attract patronage by increasing the speed of trains; the pressure upon the Post-Office Department to keep abreast of the times in furnishing mail facilities—all these things have so developed the railway mail clerk of to-day that he has become one of the most skilled of laborers, while at the same time the mental wear and tear of his work has increased in full proportion to the increase in his efficiency. While these increased demands have been made on the railway mail clerks, their pay, so far from having been increased, on the contrary, has even been diminished.

"The bill under consideration permits an increase in the maximum to $1,800, a truly modest advance. The clerks who would comprise the new seventh grade, thirteen in all, are known as assistant superintendents of divisions, while the seventy-two clerks to be benefited by the proposed sixth grade are chief clerks. These men are located at the important railroad centers, and have the immediate charge of about one hundred men each. They have been promoted from the ranks and selected for the positions because of their superior executive ability, knowledge of the service and of the postal laws and regulations. In any other Department these men would be as chiefs of division and draw a salary of $2,000 or more.

"The following statement shows the rates of compensation under existing law and the proposed changes as provided in this bill:

"*Compensation per annum.*

	Existing law.	This bill.
First class	$800	$800
Second class	900	1,000
Third class	1,000	1,200
Fourth class	1,200	1,300
Fifth class	1,400	1,500
Sixth class	----------	1,600
Seventh class	----------	1,800

"The bill adds a sixth and seventh class at a compensation, respectively, of $1,600 and $1,800, and provides that the Postmaster-General, in fixing the salaries of clerks in different classes, may grade the salaries of the same class with due regard to the amount of work, the number of hours employed, and the responsibility incurred. It also provides that clerks of class 7 may be detailed as chiefs of divisions, and clerks of class 6 may be detailed chief clerks of two or more lines under prescribed restrictions."

"The bill carries no appropriation. It simply authorizes the Postmaster-General to reclassify the railway postal clerks, and allows him to fill the higher classes as the appropriations at his disposal will allow. The bill is identical with one which passed the Senate in the Fifty-second Congress. Should the reclassifications be made at once the increase would amount to about $350,000; but the rapidity of the change would depend on the annual appropriation."

"OFFICE OF THE POSTMASTER-GENERAL,
"*Washington, D. C., February 1, 1894.*

"SIR: I have the honor to submit the following in response to yours of the 23d ultimo, relating to Senate bill 544, which provides for a reclassification of the Railway Mail Service.

"Senate bill 544, I understand, is practically the same as that which was favorably passed upon by the committees on Post-Offices and Post-Roads of the Fifty-second Congress.

"Since my connection with the Post-Office Department I have become much impressed with the importance and usefulness of the railway mail mail branch of the general service of mail transportation, and I therefore appreciate the importance of making provision for the enlargement of the organization from time to time, so as to enable the Postmaster-General to properly care for the growth and changed conditions of the mails which are distributed in railway post-offices.

"It is this branch of the postal service which is quickest to place the rural districts upon a parity with the cities.

"I do not understand that the proposed measure is intended to make it obligatory on the part of the Postmaster-General to instantly apply to the entire service a complete change in its organization. It would, if enacted into law, place the Department in a position to enlarge its organization as the actual necessities of the service and the appropriations would admit of.

"As emphasizing the necessity for legislation admitting of the enlargement of the Railway Mail Service it is not improper to mention that the present organization of that service provides for but five classes, and was authorized when the railway post-office lines covered less than 100,000 miles and the number of clerks was but 3,500.

"To-day, however, the length of railroads over which the mails are carried approaches closely to 170,000 miles, and the yearly increase is estimated at 4,000 miles, while the number of clerks within the coming year will exceed 7,000. Ten years ago the present organization was doubtless sufficient, but its continuance, without changes, acts as a check upon the acquiring of the maximum extent of satisfactory mail service that would result from granting to the Postmaster-General authority to adapt the organization to the growing necessities of the country.

"Yours, respectfully,

"W. S. BISSELL,
"*Postmaster-General.*

"Hon. A. H. COLQUITT,
"*Chairman Committee on Post-Offices and Post-Roads,*
"*United States Senate, Washington, D. C.*"

Mr. HENDERSON of North Carolina. Mr. Chairman, this bill has passed the Senate, and the object of it is to reclassify the railway postal clerks. Under the present system there are five classes of these clerks. Under this bill if it passes there will be seven classes. As the law now stands the lowest class can not receive more than $800 a year, the second class not exceeding $900, the third class not exceeding $1,000, the fourth class not exceeding $1,200, and the fifth class not exceeding $1,400 per annum.

If this bill passes, and there is a new classification, the first class may have $800 a year, the second class $1,000, the third class $1,200, the fourth class $1,300, the fifth-class $1,500, the sixth class $1,600 and the seventh class $1,800; that is to say, that is the utmost that can be allowed to any of these clerks. The salaries as fixed here are not certain salaries, but not exceeding the amount specified; so that the whole matter rests within the discretion of the Postmaster-General.

The bill carries no appropriation, but the Postmaster-General says that if the reclassifications are all to be made at once the increase would amount to about $350,000. He also says that the rapidity of the change would depend upon the annual appropriations; so that if this bill passes there can not possibly be any greater expense than $350,000 a year; and not that unless the amount is appropriated by Congress.

Mr. WILSON of Washington. Will the gentleman permit me to interrupt him with a question?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. WILSON of Washington. I understand that the object of this bill is to give to those who have had long and meritorious service some opportunity for honorable promotion?

Mr. HENDERSON of North Carolina. Yes, sir; that is one of the objects of the bill; and the bill is very much desired by the Post-Office Department.

Mr. DUNPHY. I want to ask the gentleman a question.

Mr. HENDERSON of North Carolina. I yield to the gentleman for a question.

Mr. DUNPHY. These are postal railway clerks?

Mr. HENDERSON of North Carolina. These are postal railway clerks.

Mr. DUNPHY. They already have their salaries fixed by law.

Mr. HENDERSON of North Carolina. They already have their salaries fixed by law, except that they are not fixed certainly. They are allowed not exceeding a certain sum. It is entirely within the discretion of the Postmaster-General as to how much he will pay each grade. It depends upon the annual appropriation.

Mr. DUNPHY. And I understand the difference between the postal railway clerks and the postal clerks is that while the postal railway clerks have their salaries fixed by law, the postal clerks have not their salaries fixed by law at all.

Mr. HOPKINS of Illinois. There is no connection between the two services. The passage of this bill would not interfere with the salaries of the postal clerks.

Mr. DUNPHY. But this is a salary bill.

Mr. HENDERSON of North Carolina. Not necessarily.

Mr. HOPKINS of Illinois. It is a bill for the reclassification of the railway mail clerks.

Mr. DUNPHY. By raising their salaries.

Mr. HENDERSON of North Carolina. It may not raise any salary except there will be two new grades of clerks. The only way salaries will certainly be raised under this bill is that there will be two new additional grades of clerks, and of course those clerks will be entitled to something more than the fifth-class clerk is now receiving; but the whole of the amount of salaries depends upon the discretion of the Postmaster-General, within the appropriation that is made by Congress.

Now, Mr. Chairman, I retain the floor, and will yield time to such gentlemen as desire.

Mr. HOPKINS of Illinois. Yield to me five minutes.

Mr. WILSON of Washington. I desire to ask the gentleman what is the maximum salary under the classification now existing?

Mr. HENDERSON of North Carolina. Fourteen hundred dollars.

Mr. WILSON of Washington. Now, that is the highest salary that a postal railway clerk may receive.

Mr. HENDERSON of North Carolina. That is the highest salary he may receive under the present act.

Mr. COOMBS. What is the lowest?

Mr. HENDERSON of North Carolina. The lowest is $800. I now yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS of Illinois. Mr. Chairman, I do not know that I desire to take the time allotted me, because I think this is a bill where action should be taken rather than to have the time expended in debate. I simply desire to call attention of members of the committee to the fact that this bill does not necessarily raise the salary of these clerks at all, it depending upon the appropriations. The reason and the necessity for this reclassification is that there has been no change in the law for nearly twenty-five years. When the railway postal clerks were last classified, they were in number less than 3,500, and operated on less than 100,000 miles of road.

Since that time the Railway Mail Service has extended over 170,000 miles of railroad, and the number of clerks has increased to over 7,000. This classification simply increases the number by two. We have five classes now, and if this bill becomes a law we shall have seven. The seventh class will cover only thirteen persons, and the sixth class only seventy-two. So gentlemen can see that this is not a wholesale raid upon the Treasury of the United States, but is simply a measure for facilitating the business of this great Department of the Government.

The positions of the seventy-two clerks in the sixth class are similar to those of chiefs of bureaus, and in the other Departments of the Government no chief is now receiving a salary of less than $2,000. Under this classification the highest amount that could be allowed to any one of these seventy-two would be $1,600. That is the maximum, and if the appropriation is not sufficient to pay that amount the Postmaster-General, under the law, will have the power of reducing the salary one hundred or two hundred dollars, as the case may be.

Now, Mr. Chairman, in my judgment there is no branch of the public service so deserving as this Railway Postal Service. The clerks in that service are intelligent, skilled men. No man of mediocre intelligence can hold permanently a position there. From the nature of the work they are compelled to become experts. In addition to this intelligence they are required to have great physical endurance, for they are exposed to much hardship, and also to constant danger from railway accidents. Even if there was nothing but that consideration to urge in their favor, I take it that there is no member on this floor who would not heartily, readily, freely, and cheerfully give his support to this bill.

But, Mr. Chairman, there is another consideration to be taken into account in connection with this bill. The compensation of the employés in this service has been degraded during the last few years, while the compensation of those in the other great Departments has been increased. Back in 1873 the average salary of these postal clerks was $1,033.

[Here the hammer fell.]

Mr. HOPKINS of Illinois. Will the gentleman give me five minutes more?

Mr. HENDERSON of North Carolina. I yield five minutes more.

Mr. HOPKINS of Illinois. In 1873, I say, the average pay of these postal clerks was $1,033, while the average to-day is only $993. This decrease has been made by the Postmaster-General, under the law which gives him the power to regulate the salaries of these clerks with reference to the amount of money that is actually appropriated by the Government; and, to show the injustice that is done to these employés in that respect, I desire to call attention to the report of the Postmaster-General where he speaks of the increased efficiency in this branch of the service. The Postmaster-General in his report for 1893 says that in the five years from 1888 to 1893 the number of pieces of ordinary mail handled increased 48.69 per cent, while the number of clerks to do that business increased only 13.86 per cent. It will be seen, therefore, that, notwithstanding a decreased compensation, the exigencies of the service have been such that each of these clerks has been compelled to do an extra amount of work. Any gentleman here who is familiar with this branch of the service knows that when these clerks are employed they often work not less than fourteen hours a day.

Mr. MERCER. Then they do not get the benefit of the eight-hour law?

Mr. HOPKINS of Illinois. They do not. They can not. They work as many as fourteen hours a day while in actual service.

Mr. HERMANN. If the gentleman will permit me, I will state, in line with his argument, that in my own State and California the postal clerks have recently had a continuous run of 740 miles.

Mr. BOATNER. How can they be compelled to work fourteen hours a day when the statute expressly provides that no Federal employé shall work more than eight hours?

Mr. HOPKINS of Illinois. I will tell the gentleman; and it is another illustration of the injustice that is done to the employés in this Department of the public service. Take, for instance, a route from Chicago, where the mail is made up for Omaha and points farther west, the clerk is required to appear at the place designated, say, at 3 o'clock in the morning. The train may not be ready to start until 7 o'clock a. m. but, in order to arrange the mail the clerk is required to be on hand three or four hours prior to that time, and to work with a diligence and intelligence that are not paralleled elsewhere in the Government service. Then he has to run from there to Burlington, Iowa, or to Omaha, Nebr., or farther on so that from the time he starts to work until he gets through his work is often not less than fourteen hours in continuous service.

It is true that there is a provision in the law that clerks shall work one week on and one week off, so as to divide up the time and get down the average to eight hours per day if possible, but so complicated is this service and so expert the character of the work required from these clerks that they are required to work from one to three hours a day on the maps and in practicing their duties on days when they are off duty. This is required of them in order that they may be efficient on the days when they are on duty.

Any gentleman here who has been on the mail cars and has observed the work that is done by these clerks will verify the statements I have made. So high is the grade of work that is required in this service that if, in the distribution of the mails contained in the various sacks in the mail car, a certain percentage of mistakes appears the clerk loses his position. It will be seen, therefore, that instead of taking the time he is off duty for rest and recuperation, the railway postal clerk is required to practice his work in order to be prepared to work efficiently when he is on duty.

Now, under the old law, before there was any reduction in the salaries in classes 4 and 5, the clerks received $200 a year more in each of those classes than they are receiving at the present time.

Without multiplying words, Mr. Chairman, and without occupying further time to explain this bill, I am satisfied that from the experience and knowledge of members of the House there can be no fair and just opposition to the passage of this bill. It was favored by Gen. Don M. Dickinson when he was Postmaster-General; it was favored by Mr. John Wanamaker when he was Postmaster-General; and it is favored by the present chief of that great Department. There is no man, be he Democrat or Republican, who has carefully investigated the merits of this bill, and understands the requirements and exactions which must be met by this class of public servants, who will not concede the merit, the justice, the equity of this bill. I hope and trust that none of the economists upon either side of the House, for the sake of insuring that the appropriations of the Government shall not exceed a certain limit, will feel it incumbent upon them to strike a blow at this worthy class of public servants by opposing this bill.

[Here the hammer fell.]

Mr. HENDERSON of North Carolina. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DOCKERY. That motion is not yet in order. General debate has not been closed.

Mr. HENDERSON of North Carolina. Does the gentleman wish to occupy some time?

Mr. DOCKERY. I would like to be recognized in my own right.

Mr. HENDERSON of North Carolina. I will give the gentleman five minutes.

Mr. DOCKERY. I want more time than that. This is a proposition to increase the salary list of the Government $350,000 a year, and is entitled to full consideration.

Mr. HENDERSON of North Carolina. I will give the gentleman ten minutes.

Mr. SAYERS. On this bill we will take what time we please.

Mr. DOCKERY. I would be glad to have the floor in my own right.

The CHAIRMAN. As the gentleman from North Carolina is now on the floor, the gentleman from Missouri [Mr. DOCKERY] can not occupy the floor except with his consent.

Mr. DOCKERY. The Chair is correct. How much time does the gentleman from North Carolina consent to yield to me?

The CHAIRMAN. Ten minutes.

Mr. DOCKERY. Mr. Chairman, there is no Representative

on this floor more ready than I am to concede the efficiency of the railway postal clerks. That arm of the postal service is peculiarly efficient, and as such is entitled to the most generous consideration at the hands of the Government. This proposition was well stated a moment ago by the gentleman from New York [Mr. DUNPHY], in answer to a statement of the chairman of the committee, to be a proposition to increase salaries; and as appears by the report of the Postmaster-General it involves an additional annual tax upon the people of the United States to the extent of $350,000.

Mr. Chairman, this House has heretofore expressed itself in an indirect way upon the proposition to increase the salaries of railway postal clerks. In the last Congress an amendment was agreed to in Committee of the Whole on the Post-Office appropriation bill providing a fund, amounting, as I remember, to $120,000, which would enable the Postmaster-General to allow the clerks the maximum compensation authorized by law. The law now allows a certain class of clerks $1,200; the Postmaster-General, in his discretion, allows to clerks of that class only $1,150. To another class, as I remember, the existing law permits the Postmaster-General to pay $1,400; yet he only allows clerks of that class $1,300.

Now, as I was saying, an amendment was adopted in the last Congress in the Committee of the Whole appropriating $120,000 so as to enable the Postmaster-General to pay the additional amount not heretofore allowed. When that amendment came before the House for its consideration, the House promptly disagreed to the recommendation of the Committee of the Whole.

Mr. Chairman, this proposition to increase the salaries of this very worthy class is not a new proposition. When the Treasury of the United States had $100,000,000 of surplus, the Fifty-first Congress denied this bill consideration. When the vaults of our Treasury were overflowing with surplus revenue, the Fifty-first Congress denied this bill a hearing. Yet, to-day, with an impending deficit—with $50,000,000 of Government bonds already issued—this measure "bobs up serenely" to add $350,000 annually to the taxes of the American people.

Mr. Chairman, I shall not stop to discuss the merits or the demerits of this bill. Under favorable circumstances I might support it. If our revenues were abundant, I might support it. If we had money flowing into the Treasury so as to meet all the obligations of the Government and leave a surplus, I might support it. But confronted with the existing condition—and that a condition of $50,000,000 already added to the interest-bearing debt of the Government—I shall oppose this increase of salaries.

I appeal to gentlemen on both sides of this Chamber to stay their hands and not add further to the burdens of the people at a time when hundreds and thousands of citizens of this country are out of employment. Postpone the consideration of this measure until prosperous times return; and then it is possible I may unite with the gentleman from Illinois [Mr. HOPKINS] in advocating the proposition. Mr. Chairman, I trust the House will not give this measure favorable consideration.

Mr. HOPKINS of Illinois. I want to ask if the gentleman voted in favor of the report of the conference committee on the river and harbor bill to-day?

Mr. DOCKERY. I did not.

Mr. HOPKINS of Illinois. The gentleman did not vote for that?

Mr. DOCKERY. The "gentleman" never voted for it. I think, if I remember aright, I voted for the river and harbor bill in the Forty-eighth Congress, since which time I have never supported the measure.

Mr. HOPKINS of Illinois. This House voted $2,000,000 without a quiver to that.

Mr. DOCKERY. For what?

Mr. HOPKINS of Illinois. Two additional millions for river and harbor improvements all over the country, over and above what was already in the House bill. Here is a proposition that affects the entire United States, and does not take a dollar out of the Treasury.

Mr. DOCKERY. Oh, the gentleman will hardly claim that. He must admit that the reclassification will involve an expenditure of $350,000.

Mr. HOPKINS of Illinois. But the Postmaster-General says that the reclassification will improve the efficiency of the service, even if you do not make an appropriation to pay the additional salaries, letting them remain just as they are.

Mr. DOCKERY. Well, my observation has been that when you authorize an increase of salary the increase usually follows. This is the purpose of the bill to increase salaries. If that is not the intention and purpose, will the gentleman admit amendments that will forbid the increase of appropriations to carry out the reorganization or reclassification? If such a provision is incorporated I do not know that I would object to the bill.

Mr. HOPKINS of Illinois. The gentleman knows that the purpose is to improve the efficiency of that branch of the service. The Postmaster-General says he would rather have it without the appropriation, so as to permit the reclassification, than to let the law remain as it is.

Mr. DOCKERY. It gives me pleasure in this connection to say that there is no more efficient branch of the public service than the Railway Postal Service.

Mr. HOPKINS of Illinois. Then do it justice and let us pass this bill.

Mr. DOCKERY. Certainly I will do it justice; but the gentleman should remember that these people are getting salaries now ranging from $800 to $1,400, a great deal more on the average than people are earning in ordinary business pursuits. Not one of these gentlemen desires to resign. They are generally considered good salaries, and hence under the present condition of affairs I must oppose this increase. We have been doing justice to them.

Mr. HOPKINS of Illinois. Now, if the gentleman will allow me——

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. HOPKINS of Illinois. But the gentleman has yielded to me.

The CHAIRMAN. The gentleman should first address the Chair and get consent to ask a question.

Mr. HOPKINS of Illinois. There is no necessity for the Chair getting excited.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. DOCKERY. I yield to the gentleman.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOCKERY. I should like to have five minutes more for the purpose of answering the gentleman's question.

Mr. HOPKINS of Illinois. It does not matter. I shall not insist upon it.

Mr. HENDERSON of North Carolina. Mr. Chairman, this is not a bill to increase salaries. The gentleman from Missouri has not stated the case properly. The object of the bill and the only object is to increase the efficiency of the Railway Postal Service.

Mr. BROSIUS. If agreeable to the gentleman from North Carolina, I would like to ask a question here.

Mr. HENDERSON of North Carolina. Certainly.

Mr. BROSIUS. What number of clerks will be affected by this legislation? I have not been able to ascertain.

Mr. HENDERSON of North Carolina. Well, of course all the clerks will be more or less affected—the entire postal service. There are now five classes, and there will be seven after the passage of this bill.

Mr. BROSIUS. Is the gentleman able to give approximately the number of clerks who will be affected?

Mr. HENDERSON of North Carolina. I do not remember exactly. The gentleman's colleague from Pennsylvania [Mr. BINGHAM] can inform him.

Mr. BINGHAM. It will be about 6,100.

Mr. HENDERSON of North Carolina. That is my recollection of it.

Mr. BROSIUS. Now, about what amount of money, in addition to that already expended under existing law, will be required to give effect to the bill?

Mr. HENDERSON of North Carolina. The utmost amount that can be expended if the bill becomes a law is $350,000 a year. It does not necessarily follow, however, that half or a third of this amount will be expended, because the Postmaster-General states positively that he is going to move slowly in the matter, and what he wants is an opportunity to improve the efficiency of the service.

Mr. BROSIUS. That is the amount in excess of the amount now expended in the service?

Mr. HENDERSON of North Carolina. Yes, sir.

Now, if no one else wishes to discuss the question, I would like to come to a vote.

Mr. CLARK of Missouri. Mr. Chairman, I want either to be recognized in my own right or to ask time from the gentleman from North Carolina.

Mr. HENDERSON of North Carolina. How much time does the gentleman want?

Mr. CLARK of Missouri. I would prefer to be recognized in my own time. I always quit when I get done speaking.

Mr. HENDERSON of North Carolina. There is no time except what I have.

Mr. CLARK of Missouri. How can that be? I thought there were two sides to all questions.

Mr. HENDERSON of North Carolina. Well, in the morning hour it is necessary to have a different rule. But I will be willing to yield to the gentleman.

Mr. CLARK of Missouri. How much will you give me?

Mr. HENDERSON of North Carolina. Five minutes.

Mr. CLARK of Missouri. That will not do; I will not accept that.

Mr. HENDERSON of North Carolina. I have only twenty minutes, and I will give the gentleman ten.

Mr. BINGHAM. The gentleman certainly would not ask more than half of that time.

Mr. CLARK of Missouri. Well, all right; I will accept that.

Now, Mr. Chairman, I want to say this to begin with: I have no suggestion whatever to make to the Republican side of the House on questions of economy. They are hardened in their sins and set in their ways. [Laughter.] Nobody commissioned me to be their legal or spiritual adviser. But I do want to give a word or two of advice to gentlemen on the Democratic side of the Chamber, and that is, that we came into possession of every branch of this Government at the last election on a platform of economy. We made the welkin ring from California to Maine, and from the St. Lawrence River to the Rio Grande, with the proposition that the Republican party was an extravagant party, and that if we came into possession of the Government we proposed to cut down expenses.

Mr. WILSON of Washington. The people did not believe you.

Mr. CLARK of Missouri. Yes, they did. They believed us sufficiently to give us possession of this Government. I believed that proposition then and I believe it now. I also believe in keeping faith with the people. I do not propose to stultify myself and the people who sent me hither by going into the game of "raising" the Republicans [laughter], if you know what that means [laughter], in the matter of extravagance. Mr. Chairman, of all the times since I have been old enough to take cognizance of what is happening in the world, this is the most inopportune season to raise people's salaries.

Mr. ALLEN. It is all we can do to raise revenue.

Mr. CLARK of Missouri. Yes. That is true. We can not raise revenue enough now, under the laws which Republicans put upon the statute books, to run the Government even when it is economically administered. Hundreds of thousands of people are out of employment, begging for work, who can not get it; and now this committee comes in here and asks this Democratic House to put up the salaries of these men. They may be very deserving. No doubt they are. I have not a word to say against them. But it is proposed, in the face of existing distress, in the face of the hard times, in the face of a bankrupt Treasury, in the face of the protests of the masses of the people, to add $350,000 a year to the burdens of the taxpayer of this country.

I want to say to gentlemen on this side of the Chamber that the people will not have it. [Applause.]

Now, my friend from Illinois, who generally speaks very entertainingly if not intelligently [laughter], laid down the proposition here that these men work fourteen hours a day; and yet it is stated right on the face of this report that they lay off one-half of the time. That makes seven hours a day. The gentleman who wrote this report, Senator MCMILLAN, urges Congress to pass this law because the railway mail clerks are compelled to work more hours a day than the clerks over here in the Departments. That is certainly a strange reason. I can suggest a better method of equalizing things among them. That is to make these clerks in the Departments work more hours in the day. [Laughter.] It will have a tendency to keep them out of mischief.

A MEMBER. Why not give them less pay, too.

Mr. CLARK of Missouri. Nobody ever proposes more work and less pay. It is always more pay and less work. These railway postal clerks may not be paid exorbitant salaries. I do not suppose they are. But they are this day drawing bigger salaries, a good deal, than the majority of laborers in the United States of equal intelligence.

A MEMBER. Are any of them going to resign?

Mr. CLARK of Missouri. Not as anybody has heard of. Thomas Jefferson said that Federal officeholders seldom died and never resigned. He was correct in that as in everything else. There is no imminent danger of their resigning, and if they did there are plenty just as competent to take their places. Every member on the Democratic side, and many Republicans, have among their papers, or on file in the Post-Office Department divers and sundry applications of men who want these identical places at the present pay, and it will not do for the gentleman from Illinois, or for gentlemen from anywhere else, to say that these men who hold these places are more intelligent and better fitted for the places than other people who want the positions.

Mr. KILGORE. Did we not pass a bill the other day to compel the Government to employ, under certain circumstances, three or four thousand of those postal clerks who were "fired" by the preceding Administration?

Mr. CLARK of Missouri. Yes; we passed a bill through this House to put back upon the rolls of the Post-Office Department some 3,000 or 3,500 competent Democratic railway clerks——

Mr. KILGORE. Under the present salary?

Mr. CLARK of Missouri. At the present salary, clerks who were bounced by President Harrison for no other reason than that they had the courage, the patriotism, and the good sense to vote the Democratic ticket in 1888. [Applause on the Democratic side.] What will be the fate of that bill in the House of the Ancients I do not know. [Laughter.]

Now, my Democratic friends, I want to inform you what this bill is. I might as well tell the whole truth and be through with it. It is a proposition to raise the salaries of five or six or seven Republicans where you raise the salary of one Democrat. [Laughter and applause.]

Mr. BOUTELLE. I am glad the gentleman has got down to good Democratic argument. [Laughter on the Republican side.]

Mr. CLARK of Missouri. Yes; I have got down to argument. I do not very much blame a Republican for voting for this kind of a bill—it is entirely consistent with their record of extravagance—but I should like to see the color of the man's hair and the cut of his eyes on the Democratic side of this House who can vote for this bill and tell the truth about it when he gets home and satisfy his Democratic constituents that he did right.

Mr. KILGORE. "It can not be did." [Laughter.]

Mr. CLARK of Missouri. No; it can not be "did." I am amazed, Mr. Chairman, that such a proposition as this should ever come from a Democratic committee. [Applause on Democratic side.]

I do not desire to consume the time of this House, and do not intend to unnecessarily; but I want to give gentlemen fair warning right here and now that they are not going to get this bill passed, and the two other bills that are back of this, until every method of obstruction is exhausted that is left to us under the new rules of this House. Just one sentence more. If I had as much parliamentary rope as the gentleman from Texas [Mr. KILGORE] used to have in the halcyon days of the filibuster, they never would pass. [Laughter.]

Mr. HENDERSON of North Carolina. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I believe the people are always willing to give good compensation to the subordinate force of the Post-Office Department, for there is not a service of this Government wherein they receive a larger measure of convenience, benefit, and reward than in a capable and wise administration of this great Government work. This large body of men, I believe the statement will not be questioned, stand the severest examination as to clerical requirements and ability of any of the subordinate employés of this Department. Their compensations are limited, their labors are severe, and with the growth of the Post-Office service their requirements are growing continually greater and greater.

With every increase in this service the standards as to ability are becoming higher. The schedules to-day that are handled on the great trunk lines carrying postal cars are multiplied five times to what they were ten years ago. It is to be remembered these men are all in the classified service, and are required to pass a severe examination. The gentleman who has just spoken submits that these men are off a number of days in each month. It is well to understand that the allowance of time off occurs in order that they may study their schedules, pass their examinations, and be qualified continually for the constantly growing work, as well as the necessary physical relief. No man can do continuous work upon railroads—mental and physical. There is, however, in connection with this service, one condition not thus far adverted to. It is the only work in the Post-Office Department where there is an average possibility of loss of life and serious injury. In the last fiscal year 10 men were killed, 68 men were seriously injured, and 115 men were qualifiedly injured. The families of the deceased, of the men who were killed in the service, received no allowance from the Government; and yet in one of the bills that will pass this House there is an allowance of $5,000 each for the families of the deceased, of every one who lost life, in the recent Ford's Theater disaster. Every year in this service men go to death with no compensation to their family following; men receiving life injuries with no compensation from the Government following. It is a most dangerous service as well as labor requiring the highest line of ability.

In connection with the broadening of this service in recent years there has been established in the great cities subpost-offices; and these men, taking my own city as an illustration, where twenty-odd post-offices or substations are established—

these men on the cars, in addition to their schedule route, must be so familiar with the territorial division of great cities that distribution must be made the same as the clerks now make in the local offices.

Mr. VAN VOORHIS of New York. I will ask the gentleman if there are not more mail trains robbed in the State of Missouri than anywhere else, and is not that the place where the most of these people are killed that you have spoken of?

Mr. BINGHAM. I will not say, but I will let my friend from Missouri [Mr. DOCKERY] answer that question in his time.

The $350,000 estimated by the Department will not of necessity be expended. It will be within the discretion of the Postmaster-General; this bill simply authorizes the Postmaster-General to reclassify postal clerks—a Postmaster-General who came into power with the same party as the gentleman from Missouri. The Postmaster-General says it will increase the efficiency of the service, a readjustment and realignment of an army of men, upwards of 6,000, covering an appropriation of $7,186,000, giving better administration, a service more useful to the people than if continued upon the present law. I submit I would rather accept and follow the statement and recommendation of the Postmaster-General supervising this special function of the Government than the suggestions of the gentleman from Missouri.

Mr. HENDERSON of North Carolina. Unless some one else wishes to discuss this matter, I move that the bill be reported to the House with a favorable recommendation.

Mr. DOCKERY. General debate has not been closed, and the bill has not been considered by sections.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that general debate be now closed.

Mr. KILGORE. I object.

Mr. HENDERSON of North Carolina. Then I make the motion that general debate be now closed.

Mr. DOCKERY. That can only be done in the House.

The CHAIRMAN. That request was submitted, and the gentleman from Texas objected.

Mr. HENDERSON of North Carolina. I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. DOCKERY. Oh, no. General debate has not been closed.

Mr. HENDERSON of North Carolina. I move that the committee do now rise.

The CHAIRMAN. That motion is not in order.

Mr. HOPKINS of Illinois. Why not, Mr. Chairman? The gentleman from North Carolina has charge of this bill.

The CHAIRMAN. The gentleman from North Carolina moves that the committee do now rise.

Mr. HOPKINS of Illinois. I understood the gentleman to couple with that a motion that when the committee rise the bill be reported to the House with a favorable recommendation.

The CHAIRMAN. He withdrew that. His last motion was that the committee do now rise.

Mr. HOPKINS of Illinois. Well, Mr. Chairman, I move to amend that motion by adding, that the bill be reported to the House with the recommendation that it do pass.

Mr. DOCKERY. I make the point that that is not in order, Mr. Chairman, until general debate is closed.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOPKINS of Illinois. I would like to know why it is not in order?

The CHAIRMAN. The Chair is not obliged to give reasons, but the gentleman knows well enough that in the Committee of the Whole a bill must first be open to general debate, that after general debate is closed the bill must then be read by paragraphs, and only after that has been done is it in order to move to report it to the House.

Mr. HOPKINS of Illinois. The bill has been read and debated generally.

The CHAIRMAN. It has not been read by paragraphs, nor has general debate been closed. The question is on the motion of the gentleman from North Carolina that the committee do now rise.

The question being taken, the Chairman declared that the ayes seemed to have it.

Mr. DOCKERY. I ask for a division.

The committee divided.

The CHAIRMAN (pending the division). The morning hour has expired and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, from the Committee of the Whole, reported that they had under consideration a bill (S. 544) "to reclassify and prescribe the salaries of railway postal clerks," and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That to-day, after the second morning hour and until 5 o'clock, be assigned to the consideration of bills reported and called up by the Committee on the Post-Office and Post-Roads; this order not to interfere with revenue or appropriation bills, conference reports, or reports from the Committee on Rules.

The SPEAKER. The gentleman from North Carolina [Mr. HENDERSON] is recognized.

Mr. KILGORE. Mr. Speaker, I move that the House take a recess until 8 o'clock.

Mr. QUIGG. I make the point of order that the motion is not in order in view of the rule which the House has adopted to-day.

Mr. HENDERSON of North Carolina. Mr. Speaker, I believe I have been recognized by the Chair, and I make the point that the motion of the gentleman from Texas [Mr. KILGORE] is not in order under the rule adopted awhile ago.

Mr. QUIGG. Mr. Speaker, may we have the special order reported again?

The Clerk again reported the special order as above.

Mr. QUIGG. I make the point of order that the motion of the gentleman from Texas is not in order under that rule.

Mr. HENDERSON of North Carolina. I think I have the floor, Mr. Speaker.

The SPEAKER. A point of order is made which the Chair is called upon to decide. The special order assigns to the Committee on the Post-Office and Post-Roads this day up to 5 o'clock, but the Chair supposes it is competent for the House to adjourn or to dispose otherwise of the time. There is nothing in the order which restricts it, although the order is an assignment of this day up to 5 o'clock to that committee. The Chair thinks the motion of the gentleman from Texas is in order, if it is insisted upon. The gentleman moves that the House take a recess until 8 o'clock this evening.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 48, noes 85.

Mr. KILGORE. No quorum has voted.

The SPEAKER. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Texas, Mr. KILGORE, and the gentleman from New York, Mr. DUNPHY.

Mr. KILGORE called for the yeas and nays, but immediately withdrew the demand, and then, pending the count by tellers, withdrew the point of no quorum.

The SPEAKER. Will the gentleman from North Carolina indicate the bill which he desires to call up under the special order?

Mr. HENDERSON of North Carolina. I desire to call up the bill (H. R. 56) for the classification of clerks in first and second class post-offices and fixing the salaries of the same, and I move that the House resolve itself into Committee of the Whole for the consideration of that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the Chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which will be read.

Mr. DUNPHY. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BYNUM, Mr. KILGORE and others objected.

The Clerk read as follows:

A bill (H. R. 56) for the classification of clerks in first and second class post-offices and for fixing the salaries of the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employés attached to the first-class post-offices from and after July 1, 1892, as hereinafter provided:

The assistant postmaster shall receive 50 per cent of the salary of the postmaster, as provided by act of March 3, 1883, except at New York, N. Y., where the salary of the assistant postmaster shall be fixed at $3,500 per annum, and that of the second assistant postmaster at $2,000 per annum.

The secretary and stenographer to postmaster at offices where authorized, five classes, salary shall be graded in even hundreds of dollars, at $1,200, $1,300, $1,400, $1,500, and not exceeding $1,600 per annum, to be classified according to the salary of the postmaster.

Cashiers, six classes, salary shall be graded in even hundreds of dollars, at $1,800, $2,000, $2,200, $2,400, $2,600, and not exceeding $2,800 per annum, to be classified according to the salary of the postmaster.

Assistant cashiers, five classes, salary shall be graded in even hundreds of dollars, at $1,200, $1,300, $1,400, $1,500, and not exceeding $1,600 per annum, to be classified according to the salary of the postmaster.

Finance clerks, bookkeepers, and superintendents of stamp divisions shall receive 35 per cent of the salary of the postmaster.

Stamp agents, as now compensated, shall receive $24 per annum.

Superintendents of mails shall receive 45 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the superintendent of mails shall be fixed at $3,500 per annum.

The assistant superintendent of mails shall receive 30 per cent of the salary of the postmaster, except at Washington, D. C., at which office the assistant superintendent of mails shall receive $1,800 per annum. In no case shall assistant superintendents of mails receive less than $1,200 per annum.

Superintendents of delivery shall receive 45 per cent of the salary of the

postmaster, except at New York, N. Y., where the salary of the superintendent of delivery shall be fixed at $3,500 per annum.

Assistant superintendents of delivery shall receive 30 per cent of the salary of the postmaster, except at Washington, D. C., at which office he shall receive $1,800 per annum. In no case shall assistant superintendents of delivery receive a less salary than $1,200 per annum.

Superintendents of registry divisions shall receive 40 per cent of the salary of the postmaster.

Assistant superintendents of registry shall receive 30 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the first and second assistant superintendents of registry shall be fixed at $2,400 and $1,800 per annum, respectively.

Superintendents of money-order divisions shall receive 40 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the superintendent of the money-order division shall be fixed at $3,500 per annum.

Assistant superintendents of money-order divisions shall receive 30 per cent of the salary of the postmaster, except at New York, N. Y., where the salary of the first and second assistant superintendents of money-order division and the chief bookkeeper of money-order division shall be fixed at $2,400, $1,800, and $1,800, respectively.

Superintendents of stations shall receive a salary from $1,100 per annum to not exceeding $2,000 per annum, graded in even hundreds of dollars, except at New York, N. Y., where the salaries of the superintendents of stations A and D shall be fixed at $2,500 each per annum, and superintendents E and F shall be fixed at $2,200 each per annum.

Clerks in charge of stations shall be graded in even hundreds of dollars, from one hundred to one thousand dollars per annum.

General foremen or chief clerks shall receive a salary of $1,500 per annum.

Clerks in charge of package stations, stations for registry, and money-order business and sale of stamps shall receive a salary of from $100 to $900 per annum.

Stampers and mail messengers, three classes, salary shall be graded in even hundreds of dollars, from $600 to not exceeding $800 per annum.

Printers, four classes, salary shall be graded in even hundreds of dollars, from $900 to not exceeding $1,200 per annum.

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general utility clerks, four classes, salary shall be graded in even hundreds of dollars, from $600 to $900 per annum.

The auditor and draftsman at New York, N. Y., shall receive $3,000 and $1,200 per annum, respectively.

The employés of each post-office, except those hereinbefore named, shall be divided by the postmaster, subject to the approval of the Postmaster-General, into two classes, to be known as first-class clerks and second-class clerks. Fifty per cent of the number shall be designated as first-class and 50 per cent as second-class clerks, who shall be rated according to the length of time in the service. First-class clerks shall be divided into five classes, as follows:

One-fifth shall receive $1,400 per annum; one-fifth shall receive $1,300 per annum; one-fifth shall receive $1,200 per annum; one-fifth shall receive $1,100 per annum; one-fifth shall receive $1,000 per annum.

Second-class clerks shall hereafter enter the service at $600 per annum and shall receive an annual increase of $100 until the maximum salary shall amount to $900 per annum. All appointments to the service shall be made to the grade of second-class clerks, and no appointment to the first-class grade shall be made except by promotion from the second-class grade; such promotions to be governed by length of time in the service. No clerk shall receive a less salary after the passage of this act than he was receiving prior thereto. No clerk shall be reduced from a higher to a lower grade after his assignment thereto, unless unable to perform the duties connected with such higher grade.

SECOND-CLASS OFFICES.

That the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employés attached to the second-class post-offices from and after July 1, 1892, as hereinafter provided:

Assistant postmasters shall receive 50 per cent of the salary of the postmaster.

Clerks in second-class post-offices shall enter the service at $600 per annum, and shall receive an annual increase of $100 until they attain an annual salary of $900, except the chief clerk, who shall receive $1,000 per annum. This class shall include mailing clerks, letter distributers, dispatchers, registry clerks, stamp clerks, money-order clerks, separators, assorters, paper distributers, and general-delivery clerks.

Stampers, messengers, porters, watchmen, and laborers shall be graded in three classes, with salary of five hundred, six hundred, and seven hundred dollars per annum: *Provided*, That when the salaries hereinbefore named, for both first and second class offices, are adjusted and fixed, no clerk or employé shall be promoted or advanced in grade or salary without the approval of the Postmaster-General; and hereafter postmasters at offices of the first and second class shall submit rosters of the clerks attached to their respective offices to the Postmaster-General, to take effect from the first day of the fiscal year, July 1, and no roster shall be considered in effect until approved by the Postmaster-General. That all clerks and employés hereinbefore named who are in the classified list under the civil-service act shall be selected after competitive examination, as required by said act.

SEC. 2. That there be, and there is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, such sum as may be necessary to carry into effect the provisions of this act, and that such appropriation be deemed an annual appropriation.

SEC. 3. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. DUNPHY. Mr. Chairman, this bill is a bill to classify the clerks in first and second class post-offices, and to fix their salaries.

There are now 151 first and 674 second class post-offices. In these 825 offices there are employed 10,750 clerks, styled assistant postmasters, superintendents, assistant superintendents, foremen, chief clerks, clerks, printers, pressmen, etc., but all known to the law as clerks.

Many members of the House will be surprised to learn that the salaries of these clerks are not fixed by law; that from year to year they go up and down, seesaw-like; that they are left to the uncertainties that surround appropriation bills, and that, besides, they are dependent upon the variable allowances made from year to year to postmasters for keeping their offices in running order.

The carriers are classified, and have their salaries, inadequate and small as they are, fixed to a certainty by law.

The railway mail clerks are classified and have their salaries fixed to a certainty by law.

But this army of 10,750 clerks have no proper classification, and they are the only employés of the Government who, having entered the service after competition, have no fixed salaries.

Prior to March, 1889, there was practically no legislation on this subject, except the statute authorizing allowances to postmasters for expenditures for the necessary cost of clerical services.

The Pendleton act prescribed that within sixty days it shall be the duty of the Postmaster-General, under general conformity to section 163, to separately arrange in classes the employés of the Post-Office Department, but that section has been construed as referring only to Department clerks, and no practical scheme for classifying and compensating post-office clerks was ever prepared or put into effect until March 2, 1889, and that scheme was contained in an appropriation bill, and is still in operation.

Under it estimates, or, as Postmaster-General Vilas styled them, "guesses," as to the probable cost of clerk hire, are submitted to Congress. Sometimes the full amount of these estimates or guesses has been allowed, and sometimes it has been somewhat reduced.

The amount for clerk hire for all the post-offices is, however, appropriated in bulk. Then the chief of salary and allowance division allots a certain amount to each post-office where clerks are employed.

I do not mean to reflect at all on the present chief of that great division. I am commenting on a system tolerated by Congress by which a chief of a bureau, without any proper legal restriction, is permitted to parcel out millions upon millions of dollars. By the last Post-Office appropriation bill $9,700,000 were appropriated for clerk hire. That sum will, without any instructions framed into law, be parceled out by the chief of the division of salaries and allowances.

Here is a system, or want of system, that no well-managed business concern would tolerate. Here is a system, or want of a system, grossly inconsistent with the proper administration of even any small department of the Government. Here is a condition of affairs that concentrates in one man, a chief of a bureau, a power that no other official in the land possesses; a power which, if used arbitrarily, would lead to the most serious complications.

After the chief of the salary and allowance division makes to the various post-offices the allotments I have described, the postmasters assign clerks to salaries.

To me it is astounding that this plan, from which necessarily so much unfairness and inequality in the matter of salaries results, has not long since been corrected.

Under the present plan clerks have no certain fixed salaries. A clerk receiving $900 this year may be cut to $700 next year. His work being exactly the same, he never knows whether he will get a cut in his salary.

Mr. LOUD. He knows it will not be raised.

Mr. DUNPHY. Of course he does. His salary depends, as I have said, first, on the amount appropriated by Congress; then on the sum allotted to his postmaster by the chief of the salary and allowance division, and finally on the whim or caprice of the postmaster of his office.

Mr. BOATNER. Right there, if the gentleman will permit me: Is he not aware that in the Departments at Washington, and throughout the country generally, it frequently occurs that a clerk will be receiving a salary of $1,600, $1,400 or $1,200 a year for doing work which requires less capacity and less knowledge than that done by another clerk who receives but $900 or $1,000 a year.

Mr. DUNPHY. I do not think you can get any chief of a Department who will admit that such a condition as that exists, and I am not familiar, I will state to the gentleman, with that condition of affairs.

Mr. BOATNER. And is it not true that promotion here means simply, as a rule, an increase of salary without changing the character or the amount of work to be done?

Mr. DUNPHY. I do not know as to that. I think not.

Mr. BOWERS of California. Will the gentleman allow me to ask him a question?

Mr. DUNPHY. Certainly.

Mr. BOWERS of California. We understand, do we not, that under the present system one official in the Post-Office Department fixes arbitrarily the amount which shall be applied to the various post-offices which are entitled to clerks, and fixes their compensation and changes it from year to year and time to time to suit his own whim and convenience?

Mr. DUNPHY. Congress appropriates in bulk the amounts to be used for clerk hire in the various post-offices throughout the country, and then when it comes to the Post-Office Depart-

ment, the chief of the salary and allowance division allots to each post-office entitled to a clerk the sum he thinks sufficient for compensation. The postmaster at the office selects the clerk and fits the salary to him.

Mr. QUIGG. Will my colleague allow me an interruption?

Mr. DUNPHY. Certainly.

Mr. QUIGG. In other words, Congress gives to the chief of the salary and allowance division the tremendous sum of $20,000,000, which he at his own will distributes all over the country according as he sees fit, without any rule of distribution fixed by Congress.

Mr. DUNPHY. About half of that sum.

Mr. QUIGG. Yes; $10,000,000.

Mr. DUNPHY. Yes, sir.

Mr. QUIGG. And is it not a fact that that is the situation this bill seeks to cure?

Mr. DUNPHY. That is one of the evils the bill is intended to correct.

Mr. DOCKERY. But the gentleman applies a heroic remedy which involves an additional charge on the people of this country of $2,140,000 a year. I have a letter from the Postmaster-General in that connection which I will submit presently.

Mr. DUNPHY. There is no question, and it is not pretended that this will not increase to some extent the amount allowed for clerk hire. But I wish the gentleman to understand that the real object of the bill was not to increase salaries, but to classify the clerical force in the post-offices throughout the country. It seems to be a necessary result of a classification which is regarded as important, that the appropriations should be somewhat increased.

A clerk now doing a certain kind of work in one first-class office receives but one-half the salary of a clerk discharging similar duties in another first-class office.

Many instances exist where two clerks work side by side in the same office; do exactly the same kind of work, and yet one receives twice the compensation of the other, who, in many cases, is the better clerk of the two. Many instances exist where one clerk performs a higher grade of work than another, and still receives a smaller compensation than that man working in the same room with him.

These inequalities and this unfairness exist all over the country. They existed prior to March 2, 1889, and the act of that date was intended to correct them. It has, however, totally failed. The most that can be claimed as having flowed from that act are, first, the reduction of the pay of some high-salaried employés, and secondly, the grading of salaries in even hundreds of dollars. The act never, however, corrected the evils it was aimed at. The system is just the same now as it always has been. Uncertainty, injustice, are still the essentials of its operation.

When the postal service was small and young the evils of this system may have been few, but now it is one of the greatest business concerns in the world. It has outgrown the ancient system. Now that more than ten thousand men are engaged as clerks in it, its indefiniteness, uncertainty, and unfairness are, to say the least, deplorable, and we should not hesitate to remedy them. Congress has regulated the pay of all other clerks, of all other employés. It has fixed not only the salary, but in a number of instances has fixed the hours of labor. Why should this army of clerks be denied equal fair treatment? Are they less intelligent? Is less skill required of them? Is their work so easy? Are their hours so short?

The records of the Post-Office Department will show that but twenty persons apply for appointment as clerks to every one hundred that apply for appointment as carriers. This proportion exists to all other employés of the Post-Office Department, except the railway mail clerks. And why is it so? Because all the others have a regular salary fixed by law; their hours of labor are regulated by law; they work eight hours a day for six days in the week, and are entitled to pay for overtime.

But how is it with the clerk? He works seven days in the week. He works from twelve to sixteen hours a day in many instances. Never less than twelve hours and very frequently as many as sixteen hours. His work is indoors, in crowded, poorly lighted, badly ventilated rooms, and at times in cellars; and then, it is only an intelligent, well-informed, active, healthy man that can do the work at all.

When the late Hon. S. S. Cox said of the post-office clerks that "they receive less pay, work more hours, and perform more onerous and indispensible duties than perhaps any other officials in the Government service," he said what, in my judgment, is absolutely correct. And notwithstanding all these things, they are as to their salaries, still left to the mere chances of an antiquated system.

The railway mail clerks are paid a definite salary, graded by law, running from $800 to $1,400 per annum. They are eligible for higher positions in the service, and they are given frequent periods of rest. The letter-carriers have their salaries, inadequate as they are, graded by law, have an eight-hour law, and a leave-of-absence law.

The clerks have none of these. Their pay, their tenure of office, their hours of work, are all dependent on the whims of the Department, regulated by a system at least half a century out of date.

The bill now before the House proposes to correct these evils, these inequalities, this uncertainty, and this unfairness. It proposes to put the clerks in classes, to fix their salaries, to regulate entrance into and promotion in the service. It is true, it will necessitate increased expenditures for clerk hire. It will increase the appropriations for the pay of clerks about $1,650,000, but no person believes that in post-office matters our sole aim should be to make that Department a self-sustaining Department.

Mr. DOCKERY. I quite agree with the gentleman in that proposition.

Mr. DUNPHY. Every citizen in the land wants to see the post-office business brought as near to perfection as possible. Every-fair minded citizen wants all Government employés treated with equal fairness.

Many citizens do complain about increased appropriations for maintaining a great standing Army.

Many citizens do complain about large appropriations for an increase of our Navy.

Many complain about large appropriations for coast defenses and such other things.

The money that pays for these is raised by taxation.

But no man in the land will complain when increased appropriations, intended to cure defects in and to extend the efficiency of the Post-Office Department, are made.

The money that pays for that is not raised by taxation upon the people. It comes as a direct result of the service.

There is not only no complaint from any section against this measure, but it is everywhere commended, and the people, who know the evils that it is aimed at, are surprised that Congress should not long ago have corrected them.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. DUNPHY. Certainly.

Mr. WILLIAMS of Mississippi. Does the Postmaster-General recommend the passage of this bill now?

Mr. DUNPHY. The Postmaster-General recommends the passage of this bill now.

Mr. BINGHAM. In the most unqualified terms.

Mr. QUIGG. Right away.

Mr. DUNPHY. And the last six Postmasters-General have been importuning Congress to pass such a bill.

Mr. WILLIAMS of Mississippi. I understood that he recommended that it should go into effect on the 1st of July, 1895.

Mr. DUNPHY. He recommends that the bill be passed now, to go into effect at that time.

Mr. WILLIAMS of Mississippi. Well, we will wait until July, 1895, to pass it.

Mr. MONEY. Why does the gentleman want that done?

Mr. DUNPHY. The Postmaster-General has recommended it to the committee, and we have adopted his suggestion, because he knew there was no likelihood of this bill passing through this House at an early date, that it could scarcely pass through the Senate before the next session, and he wanted the time between its passage and the 1st of July to prepare the classification.

Mr. MONEY. What I wanted to know was why the Postmaster-General wanted this bill to take effect in 1895 instead of immediately.

Mr. DUNPHY. In order, as I have already stated to you, to enable him to arrange the classification.

Mr. MONEY. Did he not state in a letter you have there that it would increase the expenditures of the Government $2,140,000, and that on account of the hard times and the condition of the Treasury he would like to postpone it?

Mr. DUNPHY. The bill I had the honor of introducing on this subject was submitted to the Postmaster-General for the purpose of obtaining his views on it and getting from the then chief of the division of salaries and allowances the estimated cost of the same. The Postmaster-General sent back his letter, recommending certain amendments, and they have been incorporated in the bill. When the bill was changed in accordance with his recommendation, the amount, which at first was calculated at $2,140,000, was cut down to about $1,640,000.

That is the amount of the increase that will be necessary. There is no attempt to make it less than it actually is, but the figures mentioned by the gentleman were based upon the old bill. This bill that is now before the House will necessitate an increased appropriation of about $1,650,000.

Mr. QUIGG. And that appropriation will not occur within this Congress?

Mr. DUNPHY. Not within this Congress.

Mr. STRAUS. Not within this fiscal year?

Mr. DUNPHY. Not within this fiscal year, or this Congress. Now, I should like to have the House understand where this increase will go to. Between the postmaster of every city and the real clerks there are a number of high officials. There is the assistant postmaster, the superintendent of the money order division, the superintendent of mails, the superintendent of delivery, and there are others. There are about one thousand six hundred and thirty-eight of these high officials between the postmasters and the real clerks.

There was no attempt to increase the salaries of these 1,638 officials, but there was an attempt, and it has been a successful attempt, I think, to fix their salaries evenly, to give the even salaries to the same grades. That has brought about an average increase in the salary of each one of these 1,638 employés, of about $1.61 a month. Now, if we were after a bill to increase salaries, do you think we would have kept the increase down to $1.61 a month? There was no intention to increase the salaries. The intention of the bill was to make a proper classification.

The money called for in the increased appropriation made necessary by this bill will go to clerks who are now getting $300 and $400 and $500 a year, clerks who are working twelve hours a day and getting starvation wages, clerks who are working sixteen hours a day, in cellars, and who are paid by this Government for their services at the rate of $25 a month.

Mr. KILGORE. Will the gentleman allow me?

Mr. DUNPHY. Just wait a moment. This bill proposes to let such clerks enter the service at higher salaries—at $600 a a year, or $50 a month. It gives them the second year $700, and gradually increases their salaries to $800 and $900, and that is the highest limit to clerks in the second class. Then, after years of service, after years of intelligent efforts which have made them efficient, they will go into the first class and their salaries begin at $1,000 and will go to the highest point, $1,400, which is the present limit.

This classification bill is not intended to raise the higher salaries. An effect of it will be to raise the small salaries, giving a clerk who now receives $300 a year an opportunity to earn a fair living, to support himself, and to maintain and educate his family.

Mr. QUIGG. May I ask the gentleman another question?

Mr. DUNPHY. Yes. I will yield to the gentleman in a moment. The gentleman from Texas [Mr. KILGORE] desires to ask me a question, and I should like to yield to him first.

Mr. KILGORE. I should like to have the gentleman give the name of some office in which any clerk is performing duty at a salary of $300 a year.

Mr. DUNPHY. New York, Philadelphia, Boston, Pittsburg, Chicago, Cincinnati, Brooklyn——

Mr. KILGORE. That is not the case in the smaller offices down in our country.

Mr. DUNPHY. There are no clerks in the fourth-class post-offices.

Mr. KILGORE. In the third-class post-offices?

Mr. DUNPHY. There are no clerks in the third-class post-offices, except where there are distributing centers, where lines of railways connect or cross each other.

Mr. KILGORE. There are clerks in all of them.

Mr. DUNPHY. No, only separating clerks at railway crossings. The clerks I speak of are real post-office clerks, who do the work and do not get proper pay for it.

Mr. HERMANN. How does this bill affect the clerks in the separating offices?

Mr. DUNPHY. It affects their salaries in this way: The least they get now is $400 a year. This makes them enter the service at $600 a year, and they can go up to $900.

Mr. HERMANN. Then that affects even fourth-class post-offices?

Mr. DUNPHY. There are no clerks in fourth-class post-offices. This bill does not touch any offices except first and second-class offices.

Mr. QUIGG. Will my friend allow me to interrupt him?

Mr. DUNPHY. Yes.

Mr. QUIGG. The gentleman has explained that this bill is not intended to raise salaries. Now, is it not a fact that the increased expenditure which will result from the passage of this bill, of a little more than a million and a half of dollars, is because the clerks do not now actually receive the money which under the allowance of the chief of the allowance division they are theoretically to receive?

Mr. DUNPHY. That is correct. Now, suppose, for example, in a post-office there is a clerk at $1,200 a year, or $100 a month. Something happens, and he is compelled to resign or is removed. The clerk at $1,100 a year, who is next to him, has a right to expect that he will be promoted. There will be no such promotion, however. That $1,200 place is taken and split into three, and three men are employed at $400 a year There is no system at all in the matter. These clerks never know what their salary will be.

Mr. KILGORE. Who fixes up the salaries of these subordinates?

Mr. DUNPHY. I have told you twice.

Mr. KILGORE. Is it not done in the post-office itself? Does not somebody in the post-office regulate the pay these clerks shall receive?

Mr. DUNPHY. The postmasters are obliged to submit to the Postmaster-General rosters——

Mr. KILGORE. I understand that.

Mr. DUNPHY. A list of the clerks and the salaries recommended. The roster of New York comes on, with its 1,100 or 1,200 clerks' names on it, the salary they are getting, and the salary that the postmaster recommends. Of course he never recommends a reduction.

Mr. KILGORE. Does not the postmaster control that matter in a majority of instances?

Mr. DUNPHY. No. The roster comes on here and is submitted to the Postmaster-General. He submits it to the chief of the division of salaries and allowances. You go to the chief of the division of salaries and allowances and say that Cincinnati has got to have more clerks, and he agrees with you and gives them to you. Then how does it affect Brooklyn, Pittsburg, and other places? Either they do away with clerks or cut down some salaries.

Mr. KILGORE. But that does not answer the question I have submitted, that the pay of these clerks holding the lower positions is controlled by the postmaster himself. He recommends that they shall have $300 or $400 a year.

Mr. DUNPHY. He has nothing to do with determining what they shall receive.

Mr. KILGORE. He is the man who makes the recommendation.

Mr. DUNPHY. Yes; he may recommend, but the pay, the salary actually given, depends upon the appropriation.

Mr. KILGORE. And if the appropriation is not sufficient to cover all, then he scales it pro rata.

Mr. DUNPHY. There is no pro rata about it. It is scaled.

Mr. KILGORE. He scales it.

Mr. DUNPHY. He may scale it in one place and not touch any other place.

Mr. KILGORE. And the man who is recommended for $400 may get $300.

Mr. DUNPHY. He may, and often does.

Mr. KILGORE. If the postmasters in each of these offices would recommend a little more for the clerks who get the lowest salaries and a little less for those who receive the higher compensation they might get it to fit all around.

Mr. QUIGG. That is what we want to correct in this bill.

Mr. DUNPHY. We want to make a system by which every clerk in the post-office, right from the postmaster down to the messenger, including every official in the business, will have his salary regulated by law, and a fair salary.

Mr. DOCKERY. Will the gentleman allow me to ask him a question?

Mr. DUNPHY. Certainly.

Mr. DOCKERY. Is it not true that Congress, without a single exception, or substantially without an exception, has granted the Post-Office Department the full amount of their estimates for clerk hire for the last ten or twelve years?

Mr. DUNPHY. No, sir; I think you are mistaken about that.

Mr. DOCKERY. I know we did in this Congress.

Mr. DUNPHY. Yes; it was done in this Congress, but this is the first time in my experience here.

Mr. BINGHAM. I will ask the gentleman to state, as a matter of previous examination of this immediate question, if it is not true that the post-office clerks are the lowest paid of any subordinate force of the Government, and that the average compensation for the 10,000 clerks in the post-offices is $700 a year; that is, taking the high salaries and the low salaries, they are the poorest-paid force of this Government?

Mr. CAMPBELL. The gentleman ought to know from his experience as postmaster in Philadelphia.

Mr. BINGHAM. I want to make another statement, and that is, that these men receive no leave of absence with pay the same as is paid to the letter-carriers and the clerks in the Departments, the employés in the Printing Office, and in the Bureau of Printing and Engraving, nor do they receive any allowance for sickness.

Mr. DUNPHY. That is right, sir.

Mr. KILGORE. Will you allow me to ask you a question in that connection?

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. DUNPHY. I want to show the inequalities that are allowed to exist between these employés and all other employés in the Post-Office and other Departments.

Mr. KILGORE. But here is the infirmity of your whole statement——

Mr. DUNPHY. Just wait a moment. I do not think that it is correct to say that the carriers do more work than these clerks do. The carriers work six days in the week for eight hours in the day.

Mr. MERCER. They work seven days. They work on Sunday.

A MEMBER. One hour on Sundays.

Mr. DUNPHY. They work six days in the week substantially. When they work more than eight hours a day they get paid for overtime; and they have a leave-of-absence law.

That is all right. I am not finding any fault with that. I approve of it, and I believe that they ought to have a considerably increased salary. The postal railway clerks and the carriers have their salaries fixed by law. The postal railway clerks do not work thirteen or fourteen hours a day, as stated by the gentleman from Illinois [Mr. HOPKINS]; their average work is only about eight hours a day, including days that they are off and days that they are on. They get frequent periods of rest, and besides that, they are eligible for higher positions in the service.

These clerks, on the contrary, work seven days in the week from twelve to sixteen hours a day, in crowded buildings, with artificial light, with the thermometer sometimes as high as 106, as it has been in New York recently; they have no leave-of-absence law, they have no tenure-of-office law, they have no salaries fixed by law; they have none of the advantages that the other employés of the Department have.

This bill proposes to fix their salaries. It proposes to regulate entrance into and promotion in that service. It will take away from the division of salaries and allowances the arbitrary power which it now has of disbursing every year, without legal restriction, some $10,000,000 of the people's money, and, generally, will correct evils in the Department and promote the efficiency of the post-office system.

Mr. KILGORE. I understand the gentleman from New York to say that there are, connected with these large offices, many higher officials who get big salaries——

Mr. DUNPHY. I did not say that they got big salaries.

Mr. KILGORE. They work, I suppose, about three hours a day.

Mr. DUNPHY. No, sir. They work more hours than even the clerks do.

Mr. KILGORE. Well, they get well paid for it. Now, there is no proposition here, I understand, to classify their salaries down in order that the pay of these clerks may be increased?

Mr. DUNPHY. Will the gentleman from Texas permit me to ask him a question?

Mr. KILGORE. Yes, sir.

Mr. DUNPHY. Will you help me to get a vote on this bill to-day? [Laughter.]

Mr. KILGORE. No, sir; because I think it is an unjust bill all along the line. And besides, we have not got votes enough here just now.

Mr. WILLIAMS of Mississippi. Will the gentleman from New York tell us whether there is any difficulty in getting clerks to take these places now?

Mr. DUNPHY. In reply to that I will say that for every one hundred applicants for the positions as carriers there are only twenty for these clerical positions.

Mr. WILLIAMS of Mississippi. But still, there are plenty applying for them.

Mr. DUNPHY. Oh, yes; there are applicants enough.

Mr. STRAUS. Many of whom, probably, could not fill the places if they got them.

Mr. WILLIAMS of Mississippi. So that the Government pays enough now for the service.

Mr. DUNPHY. This bill will fix positively the salaries of all the clerks from the postmaster down.

As to the principal employés, the change will necessitate a small increase in the salary of some of them. There was no idea, however, of increasing any salary. Where, amongst these principal employés, a salary is increased to some slight extent it is the result of an attempt to establish a uniform system—a system based on exact equality among the same grade and class of employés.

When you come to the clerks in the first-class post-offices, the bill intends that they shall be divided into two classes. The 50 per cent of clerks are put in a class called the first class, and the rest in a class called the second class. In the first class there will be five grades. One-fifth of the clerks will be in the first grade, with salaries at $1,400; one-fifth in the second grade, with salaries at $1,300; one-fifth in the third grade, with salaries at $1,200; one-fifth in the fourth grade, with salaries at $1,100; one-fifth in the fifth-grade, with salaries at $1,000. There will be about 2,750 of these first-class clerks.

The second-class clerks in the first-class post-offices will hereafter enter the service at $600, and shall receive an annual increase until $900 is reached. All appointments to the first class are to be made from the second class.

There are about 2,750 of these second-class clerks. The estimated increase for these 5,500 clerks under this proposed classification will be $1,040,050.

In the first-class post-offices there will be and there are 1,638 employés classified as clerks, but designated as assistant postmasters, superintendents, assistant superintendents, auditors, foremen, and chief clerks. The increase in the salaries of these 1,638 persons under this proposed classification will be $334,370, an increase for each person of about $1.61 a month.

In the second-class post-offices there is practically no change.

Originally, the bill provided for the creation of an assistant postmaster in second-class post-offices, but upon the recommendation of the Postmaster-General this provision has been stricken out.

Let me say that this bill meets with the most hearty approval of Postmaster-General Bissell. Of all the bills intended to better the service of his great Department, this one seems to him to be the most important and is filled, as he has expressed to me, with merit.

Let me say in conclusion that every one of the last six Postmasters-General have strongly recommended favorable action by Congress in such a measure as this. Every one of them has protested against the antiquated system now in force, and every one of them has claimed that substantial, great benefits to the post-office system would certainly follow the enactment of such a measure as this.

Mr. DUNPHY. I yield now to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Chairman, I recognize the fact—otherwise I should not attempt at this late hour to say a word upon this question—that there is a power in this House which has determined that this bill shall not pass. I regret to see that there are honorable members of this body who have not sought to investigate the justice and equity contained in this bill, but have thrown themselves back upon the proposition that the bill carries a large amount of money and therefore it should not pass. I am one of those who believe in justice and equity in the various Government Departments as well as elsewhere.

A letter-carrier now enters the service at a salary of $600 for the first year. The second year he receives $800, and the third year $1,000. That is the salary fixed by law. I will not attempt to discuss the question whether it is too much or too little; it is the salary fixed by law. Now, I think it requires quite as high a degree of intelligence and capacity to perform the duties of a post-office clerk. I have served myself as clerk in a post office, and know something about the duties. A clerk may enter the service to day at $300, and there will be hardly any reasonable chance for him ever to receive more than $600. Some gentleman has asked whether there are not plenty of applicants for these places.

I suppose there would be plenty applicants if the salary were not more than $200 a year, but I believe that we, as legislators, ought to look at this question from a higher, more just, and more equitable standpoint than that. The gentleman from Texas [Mr. KILGORE] asks whether the postmasters fix the salaries of the clerks. I answer, yes; the postmaster in every post-office in this country substantially fixes the salaries of the post-office clerks.

Mr. KILGORE. Now, why could not we take a little off the salaries of those higher officials to supplement the low salaries of the lower officials and bring them up to what the gentleman thinks the proper level?

Mr. LOUD. I will consider that question in a moment. Let us take as an illustration the post-office in my own city of San Francisco. The salary and allowance division of the Department allows so much money to that office for clerk hire. There is so much work to be done, and the postmaster has to employ enough men to do that work. The gentleman from Texas suggests that we might take enough off the higher salaries to raise the salaries of the clerks.

Let us for a moment consider that proposition. In any first-class office, with, perhaps, two hundred clerks, there are a few higher officials, the postmaster, whose salary is fixed by law;

the assistant postmaster, who receives a reasonable salary; the superintendent of mails, and the superintendent of the money-order office. There is also the superintendent of carriers, but his pay comes out of the appropriation for the carrier service. There you have four persons in that office who receive reasonable salaries. The superintendents of mails receive, on an average, perhaps about $2,000, even in such large offices as of San Francisco.

Now, I do not see that there is much room for scaling the salaries of four men who to-day are receiving only a reasonable compensation and bringing up the salaries of 150 or 200 clerks to what is reasonable.

I want to give the gentleman from Texas and other gentlemen some figures showing what these post-office clerks are receiving. The statistics to which I refer were collected a year ago. There are in the service something over 10,000 clerks; 4,666 of these are receiving $900 or less per annum.

In the Boston post-office, for instance, there are 42 clerks receiving $600 a year who have served one year, 37 two years, 22 three years, 15 four years, 2 five years, 4 six years, 11 eight years. You will find a similar state of affairs throughout the whole United States. Instead of there being the possibility of an increase of salary for any clerk in our post-offices to-day there is no possibility of it whatever. I will take the office in my own city as an illustration. There the maximum salary allowed by law for clerks is $1,400. There is not to-day a single clerk in that office receiving $1,400.

Mr. KILGORE. Are there any clerks in post-offices receiving as small a salary as $300?

Mr. LOUD. I do not think so.

Mr. KILGORE. Such figures as that have been paraded here a good deal by the advocates of this bill.

Mr. LOUD. There are 32 clerks in the Chicago office receiving $400 a year; there are quite a number in different offices receiving $500. I do not know of any $300 clerks.

Mr. KILGORE. These clerks occupying subordinate places—are they men or women?

Mr. LOUD. Most of them are men. There are very few women employed in the post-offices of the country. Out of, say, 200 clerks there would not be more than 10 or 12 ladies employed.

In my own city at the beginning of the last fiscal year clerks who had been receiving $1,200 a year (and many of them had been in the service a great number of years) were reduced to $1,100; clerks who had been receiving $1,100 were reduced to $1,000. And so on through the whole office. Such is the condition generally throughout the whole United States.

While I am aware that certain gentlemen have determined that this bill shall not pass, I want to say to members of the House that it proposes but a simple act of justice to specify by law what salaries the clerks in these post-offices shall receive. Under this bill but a very small number of these clerks can by any possibility ever attain the salary of $1,200. The passage of this bill is an act of justice which ought to be consummated to-day, although it may cost a million and a half dollars or more.

I yield back the floor to the gentleman from New York.

Mr. DUNPHY. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Chairman, a moment ago I asked the gentleman in charge of this bill whether it was not the habit of Congress to appropriate the full amount of the estimates for clerk hire in post-offices. I find that for the fiscal year 1891 the estimate was $7,590,000, the appropriation $7,390,000; for the fiscal year 1892 the estimate was $8,249,000, the appropriation $8,060,000; for 1893 the estimate was $8,460,000, the appropriation $8,060,000; for 1894 the estimate was $8,860,000, the appropriation the same; for 1895 the estimate was $9,700,000, and the appropriation the same. It thus appears that for the fiscal years 1891, 1892, and 1893 the appropriations fell slightly below the estimate; but for the fiscal years 1894 and 1895 the appropriations were up to the maximum of the estimate.

Mr. Chairman, I desire to place in the RECORD, without reading it in full, a letter from the Postmaster-General relating to this measure. It is dated February 14, 1894, and refers to the bill originally introduced by the gentleman from New York [Mr. DUNPHY], which, as he states, has been amended by the committee. I will read but a single paragraph of this letter:

> In view of the excessive falling off in receipts for the present fiscal year, and the large deficiency that will necessarily follow, and in view of the fact that the enactment of this bill into a law would probably increase the salaries for clerks about $2,140,000, I deem it wise to postpone the time when this bill shall go into effect to not earlier than July 1, 1895.

The gentleman from New York states that this bill has been amended so that instead of involving an increase of $2,140,000 it involves an increase of but $1,640,000 or $1,650,000. So that this bill as amended carries more than a million and a half additional compensation, whereas it appears from the figures I have just read that Congress has never in any year of the last five years reduced the appropriation for clerk hire as much as $400,000 below the estimates.

I incorporate in my remarks the letter to which I have referred:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 14, 1894.

SIR: I have the honor to acknowledge your esteemed favor of recent date, inclosing for my consideration H. R. bill 56, and asking for my views on the same. In reply I beg leave to say that I believe a bill for the reclassification of clerks in first and second-class post-offices, and fixing the salaries of the same, should be passed by Congress and become a law; and H. R. 56 seems to meet more fully the approval of the post-office clerks, as expressed through their National Association and officers, and the approval of postmasters throughout the country to a greater degree than any other bill on the same subject that has been presented to me for consideration.

In view of the excessive falling off in receipts for the present fiscal year, and the large deficiency that will necessarily follow, and in view of the fact that the enactment of this bill into a law would probably increase the salaries for clerks about $2,140,000, I deem it wise to postpone the time when this bill shall go into effect to not earlier than July 1, 1895.

I respectfully suggest the following amendments: Strike out the word "two," page 1, line 6, and insert in lieu thereof the word "five."

Strike out the word "six," in line 20, page 2, and insert in lieu thereof the word "five." Strike out in line 23, page 2, the words "twenty-six hundred dollars;" and in line 24, page 2, strike out the word "eight" and insert in lieu thereof the word "six." Strike out on page 2, line 32, the words "finance clerks, bookkeepers, and."

Amend by striking on page 4, the words beginning with the word "except," in line 84, and ending with the word "annum" in line 88. This amendment I deem necessary from the fact that a commission appointed by the Post-Office Department, is now considering the redistricting of the city of New York, and what are now stations "A" and "D," "E" and "F" may not be the limits of the same under the action of this commission. If the committee deem it necessary to cover this point on the line suggested by the words stricken out, I suggest that the words "two thousand," in line 83, be stricken out, and the words "two thousand five hundred" be inserted in lieu thereof.

Amend page 5, line 92, by striking out the words "or chief clerks" and inserting in lieu thereof the words "of crews." I would suggest that if the committee think that the foreman of crews in one office of the first class might be entitled to more salary than the foreman of crews in another office of the same class, they could arrange the salaries to run from $1,000 to $1,500 Strike out, on page 5, lines 94, 95, 96, 97, 98, 99, and 100. On page 5, line 101, strike out the word "four" and insert in lieu thereof the word "six;" and in line 103, page 5, strike out the word "twelve" and insert in lieu thereof the word "fourteen." Insert in line 105, page 5, after the word "carpenters," and before the words "waste paper," the word "and." Strike out on page 5, line 105, the word "and," after the word "examiner," and in line 106, page 5, the words "general utility clerks, four," and insert in lieu thereof the word "three."

Strike out in line 107, page 5, the word "nine" and insert in lieu thereof the word "eight." Amend by inserting after the word "annum" in line 108, page 5, the following words: "And general utility employés may be allowed by the Department at a salary not exceeding $400 each, who, after six months' continuous service, may be promoted to the minimum grade of second-class clerks at a salary of $900."

On page 6, line 119, strike out the word "classes" and insert in lieu thereof the word "grades." After the word "annum" in line 129, page 6, insert the following words: "except general utility employés as herein provided." Strike out on page 6, lines 129, (beginning with the word "all,") 130, 131, 132, 133, 134, 135, 136, 137, and 138, and insert in lieu thereof the following words: "All appointments to the service shall be made to clerkships of the second class, and no appointment to the first class shall be made except by promotion from the second class. All promotions from the second to the first class, and all promotions within the first class, shall be made from the next lower grade upon a basis of efficiency and length of service, under such rules as the Postmaster-General may prescribe. No clerk shall receive a less salary after the passage of this act than he was receiving prior thereto, and no clerk shall be reduced from a higher to a lower grade after his assignment thereto, unless properly reduced by reason of his inefficiency or inability to perform the duties connected with such higher grade."

Amend by striking out in line 143, page 7, the words "ninety-two" and insert in lieu thereof "ninety-five." On page 7 strike out lines 145 and 146, and insert in lieu thereof "chief clerk, six classes, graded, in even hundreds of dollars, from $1,000 to $1,500, according to the salary of the postmaster."

Amend by striking out the words, beginning with the word "except," line 150, page 7, and ending with the word "annum," line 151, page 7. Strike out the word "stampers" in line 155, page 7. Amend by inserting after the word "annum," line 157, page 7, the following: "And general utility employés may be allowed by the Post-Office Department at a salary not exceeding $300, who, after six months' continuous service, may be promoted to $400 per annum, and after twelve months' continuous service from original employment may receive the minimum salary of second class clerks, namely, $600 per annum."

Very respectfully,

W. S. BISSELL,
Postmaster-General.

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

Mr. DUNPHY. I would like to say to the gentleman from Missouri that when, in 1889, they passed the so-called classification bill, the one that is now in operation, it was contained in an appropriation bill; and by the very bill in which was the classification there were $350,000 less appropriated than was necessary to put it into effect; and it has been that way from that time until this. They never got to what was intended by the act of 1889.

Mr. CAMPBELL. That is to say, they passed the law and did not appropriate the money to carry it into effect.

Mr. DUNPHY. That is the exact condition.

Mr. DOCKERY. But for the last two years the amount has been appropriated in full.

Mr. MERCER. I would like to ask the gentleman from New York a question, with his consent; if he can inform the House how much money is paid into the United States Treasury as

profit by the several post-offices in the United States in large cities? For instance, in Omaha I think the net profit is over $200,000. In New York about four millions——

Mr. CAMPBELL. Yes, sir.

Mr. MERCER. In Chicago about two and a half millions; in Philadelphia three millions, and so on. Why, then, quibble about money in a question of this kind, when these offices return such enormous results to the Government?

Mr. DUNPHY. Well, there are 825 of these offices out of, I do not know how many thousands——

Mr. QUIGG. About 68,000.

Mr. DUNPHY. Which produces 66⅔ per cent of the entire revenues of the Department.

Mr. LUCAS. Offices where the work is done.

Mr. DUNPHY. Yes, sir; and the work done here, it must be remembered, is work of which the small offices get the benefit, because the big offices prepare the mail and send it to the little offices, and all the officials there have to do is simply to untie the bundles and put the mail in the boxes.

Mr. MERCER. The gentleman, of course, will understand that I favor the bill.

Mr. DUNPHY. Certainly. I now ask unanimous consent that the time be extended to a quarter past 5 to-day, to enable gentlemen to make some remarks on this bill.

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

Mr. KILGORE. I object.

The CHAIRMAN. The gentleman from Texas objects.

Mr. KILGORE. We are to have a night session, and I do not think that we ought to force this additional work upon the employés here.

Mr. BINGHAM. Mr. Chairman, if it were possible for the Post-Office Department to receive revenue under statute for the work that it does, even to-day, with a deficit staring it in the face of upwards of $15,000,000, it would pay its entire expenses and turn a surplus into the Treasury. It is the vast amount of matter going through the mails under the frank of the Government which so largely brings the Post-Office Department into deficiency; and continually, as a consequence, we are confronted with the statement that we should not do this or should not do that, in connection with the administration of the Department, because we are in deficiency. I repeat, if the Government would pay for what it carries under its frank through the mails, the Post-Office Department would meet its obligations and pay a surplus into the Treasury.

Mr. KILGORE. Will the gentleman allow me just there?

Mr. BINGHAM. I have only a few moments.

Mr. Chairman, that which I have just stated is correct as a general proposition, the deficit in the revenues of the Department comes from the carriage of free mail matter.

Mr. KILGORE. I am willing to surrender my franking privilege; are you?

Mr. BINGHAM. That is only incidental to the Government.

The post-office clerks are the only body of men employed in the Post-Office service not classified. The specific purpose of the bill under consideration is to do that which you do with the postal clerks and the letter carriers, indicate a specific line of work to be performed, work so many hours, and receive so much compensation, increasing with each additional year until you reach the maximum under the statute.

It is legislation for the purpose of improving and promoting the service, thereby rendering it more efficient. Under the present law and regulations the amount of the appropriation is $9,700,000 for the next fiscal year—an appropriation in bulk—and a division will be made under rules fixed by the Department.

We do not thus legislate in this way with reference to the other Departments of the Government. You do not so provide in the War, the Treasury, the Post-Office, the Agricultural, Interior, and the Navy Departments of the Government for clerical force employed here in Washington. It is not a great lump sum, but your appropriation bills read so many clerks of class 1, so many of class 2, and so on to the end. You have classified the service, and the legislation is wise.

Your own Postmaster-General simply asks that you may classify these men so that a certain line of work, under a law the same as the carriers and postal clerks are classified, shall receive a fixed, specific, well-defined compensation for the work performed, with gradual promotion.

Now, one word more in connection with this bill. As I have stated, these clerks are the poorest paid in the service. They get no leave of absence with salary allowances; they are allowed no leave of absence on account of sickness; they get nothing but limited, poor compensation—an average of less than $700 per annum. They are under the civil service rules and must be qualified for their work.

Your legislation in the Post-Office appropriation bill has increased the item for clerks over $900,000 for the next fiscal year. I submit for the work the Department will do—the great decrease in view of business stagnation—it can be done within the present appropriation for the fiscal year ending June 30, 1894. There has been no percentage of increase in 1894. There will be but a limited growth in the next year. This large increase the Department now enjoys—upwards of $900,000—will almost enable the Postmaster-General to carry out the classification paragraphs contained in the Dunphy bill. In fact, I am sure $400,000 additional would be all-sufficient. The bill enacted into law, going into operation June 30, 1895, would require no additional appropriation at this time. The clerks desire it; the Postmaster-General asks for it; it requires no money; good administration will be the result, and the people enjoy a better postal service. They have this right, for they who use the mails directly pay the expenses.

Mr. DUNPHY. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. The hour for a recess having arrived, the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 56 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LACEY, from to-day, for four days next week, on account of business of a public nature.

LEAVE TO PRINT.

Mr. DUNPHY. I ask unanimous consent that gentlemen who have submitted remarks on the pending bill in committee may have permission to print.

Mr. WILLIAMS of Mississippi. I move to amend that by proposing that all members be allowed to print remarks upon the bill.

Mr. DUNPHY. I have no objection to that.

The SPEAKER. The Chair will suggest that it might be better to limit the time within which this can be done.

Mr. DUNPHY. Say within ten days.

The SPEAKER. The gentleman from New York [Mr. DUNPHY] asks unanimous consent that leave to print upon the bill which has just been under consideration be granted for ten days. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. WILLIAMS] will perform the duties of the Chair at the evening session. The House will now, under the rule, take a recess until 8 o'clock.

Accordingly (at 5 o'clock p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. WILLIAMS of Illinois, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is in session under clause 3, Rule XXVI.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under clause 3, Rule XXVI.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Chairman, I am directed by the Committee on Invalid Pensions to ask unanimous consent that we begin with House bill 6041, Calendar number 380, and consider only bills which have never yet been considered and bills of a character that have not been opposed at these evening sessions.

Mr. WILLIAMS of Illinois. What are those?

Mr. MARTIN of Indiana. The cases of widows remarried, divorced women, and things of that kind.

Mr. CURTIS of New York. And desertions.

The CHAIRMAN. The gentleman had better fix the last clause of his request more specifically.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that we begin with the bill specified and go through then down the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana.

Mr. MARSH. I desire to ask the gentleman from Indiana a question. Is your object to consider only pension bills?

Mr. MARTIN of Indiana. No, sir: I have no right to ask that.

Mr. MARSH. Is your object to consider bills to which there is no objection?

Mr. MARTIN of Indiana. Bills that have never been considered before.

The CHAIRMAN. Is there objection?

Mr. STRONG. Yes, I object.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

LOUISA C. CONWAY.

The Clerk read as follows:

A bill (H. R. 4935) to pension Louisa C. Conway.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that this bill, being one upon which the point of no quorum was made a week ago to-night, be passed over without prejudice.

The CHAIRMAN. Without objection that order will be made. [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Now, Mr. Chairman, I ask unanimous consent that we begin with Calendar number 371, the one indicated to me by the gentleman from Ohio.

The CHAIRMAN. That order will be made, without any objection. [After a pause.] The Chair hears none, and it is so ordered.

ALEXANDER P. MAGAAN.

The first business called up was the bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the military record of Alexander P. Magaan, who enlisted as a private in Battery H, Fourth United States Artillery, on the 8th day of July, 1846, and stands charged with having deserted on the 8th day of September, 1848, to be corrected by removing said charge of desertion and granting an honorable discharge to said soldier, it appearing that he did not desert, but was absent with leave, sick, and was prevented from returning on account of sickness.

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

Provided, That no pay, bounty, or emolument shall become due by virtue of the passage of this act.

Mr. TALBERT of South Carolina. I would ask that that bill be passed over to-night without prejudice.

The CHAIRMAN. That order will be made, without objection.

Mr. STRONG. I object.

Mr. KILGORE. Let the report be read.

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

The CHAIRMAN. The report will be read in the time of the gentleman from Texas.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 4686) to correct the military record of Alexander P. Magaan, of Battery H, Fourth United States Artillery, have had the same under consideration and report the same back with the following amendment:

"*Provided*, That no pay, bounty, or emolument shall become due by virtue of the passage of this act."

It appears from the record that this soldier enlisted July 8, 1846, at Staunton, Va., for five years in the regular Army, and was assigned to Battery C, Fourth Regiment, United States Artillery, and subsequently transferred to Battery H of the same regiment. At the time of his enlistment he was about 20 years of age. Soon after his enlistment his battery was ordered to proceed to Mexico, and while there his command was engaged in the battles of Vera Cruz, Cerro Gordo, Contreras, Molino Del Rey, and City of Mexico, in which battles he participated.

After the close of the Mexican war he, with his battery, returned to Fort Monroe, Va., and in September, 1848, while at Fort Monroe, affidavits before the committee show that he became sick, received a furlough, and went home. He never returned to his command. There were other affidavits before the committee showing that at the time he returned home he had been an invalid, and so remained long after the expiration of his term of enlistment.

Your committee believe that as this young man enlisted simply to serve through the Mexican war, and having so served faithfully until after the war closed, that he should be relieved of the charge of desertion, and therefore recommend the passage of the bill as amended.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. KILGORE. Mr. Chairman, I would like to make some inquiry and have some further explanation than we get in the report of the status of this party named in this bill. It seems they rely upon a number of affidavits to establish the fact that he was away on furlough or on sick leave. Now, the records ought to show whether or not he was absent with sick leave. The records in the War Department would show that.

Mr. HOOKER of New York. Probably the gentleman in charge of the bill can tell you about it.

Mr. KILGORE. That is one thing I would like to be enlightened upon. These affidavits state that he was away and remained away sick, and never returned to his command; and was therefore put down as a deserter. Now, I think there ought to be some record in the War Department. I do not think that affidavits taken fifty years after a thing took place, on a subject of this kind, ought to be worth much unless supported by some record in the War Office; and if the events took place as stated in that report there must be some record of the fact of his having a sick furlough.

I do not see how the affidavits of these parties can make known if he left on sick leave. I do not see how he can prove the fact that he remained away sick long enough to be reported as a deserter. The whole report looks unsatisfactory. I do not know who wrote the report, and I do not like to charge anybody with shenanigan, but it looks as if it was written with special reference to suppressing the facts. I think an explanation is due the committee from the gentleman who seems to be championing this bill.

Mr. CURTIS of New York. Will the gentleman yield to me for a moment? I recognize the qualities of my friend from Texas, and I am sure he would not make such an unkind remark with respect to any gentleman who is absent. This report was made by the gentleman from Pennsylvania, who is a member of the Committee on Military Affairs, who is not here, and I think that the gentleman would hardly like his remarks taken down in the manner in which they have been made in the absence of this gentleman.

Mr. KILGORE. I do not know. If I was going to say anything about a man, perhaps I would rather that he was not here. Of course, I do not charge anybody with any intention to deceive the House; but the report, it strikes me, is not such a report as ought to be made in a case of that kind for the purpose of putting the House in possession of the facts.

Mr. STRONG. Mr. Chairman, Aleck Magaan in 1846 was a young man, 20 years old, living in Virginia. The Mexican war was in progress. A call was made for troops and he enlisted, was mustered in, and was assigned to a battery in the service of the United States. He went with that battery to Mexico, where he remained till the close of the war, taking part, as is shown by the report, in a large number of engagements. When the war closed he returned with his command to Fortress Monroe. He was sick and he got a leave of absence and went to his home.

The war being over, and there being no further use for the troops at that time, he did not return to his command, and he was dropped as a deserter. I want to say to the gentleman from Texas that this man was not only sick at the time he left his command, but he has remained an invalid ever since. Forty-six years have passed, and they have been forty-six years of poverty and sickness to Aleck Magaan. He comes here now to ask you, the representatives of the people of the great Republic whose battles he fought, to relieve him in his old age and distress from this charge of desertion. He is now nearly 68 years old.

Mr. KILGORE. Mr. Chairman, of course I am not discrediting anything that the gentleman states; but I should like to know how these facts came out. How is it known that this man left his command on sick leave and remained away long enough to be marked as a deserter?

Mr. STRONG. The facts are made known to the committee by a large number of affidavits. I am not certain whether the records of the War Department disclose the fact about which the gentleman inquires or not, but I want to say that this man stands in as good a position relatively as many and many a man who went into that service and was charged with desertion who has been relieved.

Mr. KILGORE. I am not disputing that; but I claim that before this Committee of the Whole is called upon to pass a bill of this kind the facts, well authenticated, ought to be before us. The report in this case, as I have already said, is unsatisfactory. I think, Mr. Chairman, that this bill is a very good one to withdraw and let soak awhile. [Laughter.]

Mr. STRONG. If the gentleman from Texas could only know this man as I know him, a poor old skeleton, he would not oppose this act of justice.

Mr. KILGORE. Was he able to be in the last war?

Mr. STRONG. He was not able to be in the last war, and he is now a poor, feeble old man.

Mr. TALBERT of South Carolina. Is it the object of the bill to give him a pension?

Mr. STRONG. I will be frank about that. I expect that if this charge of desertion is removed he will be able to get a pension of $8 or $12 a month, whatever is allowed to soldiers of the Mexican war.

Mr. TALBERT of South Carolina. Then what is the effect of the amendment recommended by the committee?

Mr. STRONG. To provide that he shall have no back pay or emoluments.

Mr. CURTIS of New York. Mr. Chairman, I am a member of the committee that reported this bill and I have a distinct recollection of some of the facts that were brought before us in connection with it. The gentleman from Pennsylvania [Mr. WOOMER], the member of the committee who drew the report, is not present this evening, so I venture to state my recollection of the case. It was under discussion in the committee and many facts were brought out in the affidavits produced there which would have answered satisfactorily, I am quite sure, the objections of my friend from Texas.

I recollect that there was a discussion in the committee upon this bill, and that the evidence was very complete and satisfactory, not merely the man's own statement, but the testimony of other well-informed persons, showing that he went home, as stated in the report, an invalid, remained there an invalid, and has been substantially an invalid ever since. He was a man not very well informed as to these matters, and he has continued all these years under a charge which it was never his intention to bring upon himself. While in health he did his duty faithfully as a soldier, and he had no intention of deserting.

If the case were fully known to my friend from Texas I am sure that it would appeal to him with such force that his heart would bleed with compassion, and, knowing now what he wanted to know about the case, I believe that he will not further oppose the passage of this bill. I ask that it be laid aside to be reported to the House with the recommendation that it do pass.

The amendment recommended by the committee was agreed to.

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

ISAAC D. TOLL.

Mr. WEADOCK. Mr. Chairman, I ask unanimous consent for the present consideration of the bill (H. R. 6659) to increase the pension of Capt. Isaac D. Toll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of Capt. Isaac D. Toll, late of Company E, Fifteenth United States Infantry, in the war with Mexico, from $8 to $20 per month.

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

Mr. DOLLIVER. Mr. Chairman, without objecting, I want to inquire whether this bill is taken up out of its order on the Calendar?

The CHAIRMAN. It is; on a request for unanimous consent.

Mr. DOLLIVER. I have no disposition to object.

Mr. BAKER of New Hampshire. I object.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. I ask unanimous consent that we now begin with the bill No. 390 on the Calendar and proceed regularly.

The CHAIRMAN. Without objection, that order will be made.

There was no objection.

MARY DANAHAY.

The first business in order was the bill (H. R. 6941) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private of Company H, Eighteenth New York Cavalry.

Mr. MARTIN of Indiana. I ask that this bill be laid aside to be reported to the House with the recommendation that it lie on the table.

There being no objection, it was ordered accordingly.

HENRY C. FIELD.

The next business in order was the bill (H. R. 4490) granting a pension to Henry C. Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Henry C. Field, dependent father of Daniel Field, late a private of Company H, Twenty-ninth Maine Regiment, and pay him a pension of $12 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4490) granting a pension to Henry C. Field, submit the following report:

The beneficiary of this bill is the father of Daniel Field, who served in Company H, Twenty-ninth Maine Infantry. The soldier enlisted November 20, 1863, and was discharged May 17, 1864, on account of disability from chronic diarrhea and disea e of heart. He was paid in full to discharge and allowed transportation from New Orleans to the place of his enlistment.

On June 1, 1864, while on board the United States steamer Pocahontas, en route from New Orleans to New York, that vessel collided with another and was sunk and the soldier was drowned. These facts are shown in a satisfactory manner by the records of the War Department and Pension Bureau. The claim of the mother, and subsequently of the father, was rejected by the Pension Bureau on the ground that the soldier's death was not directly chargeable to his military service, he having been discharged prior to the accident which caused his death.

The mother of the soldier died April 11, 1890. The father, the beneficiary of this bill, is now 80 years of age. The soldier left neither widow nor child surviving him.

Lewis Carville and Jordan G. Carville, of Lewiston, Me., testify that the petitioner is the owner of a small farm and a little live stock worth $800 or $900; that he is 80 years of age and in feeble health; the income of his property is not sufficient to support him and an invalid daughter who lives with him, and the deficiency is supplied by relatives not bound for his support; that the soldier lived with his father and aided in his support.

The only point involved in this case is the question whether soldier's death was properly chargeable to his military service. The decision of the Pension Bureau gives unquestionably the proper construction of the general law, but, on the other hand, the soldier was being transported to his home on a Government vessel as a part of his contract with the Government; he was still in a very important sense in the public service, and the Government was clearly responsible for his safe delivery at the point of enlistment. Through no fault of his the vessel was sunk and he was drowned. The facts combine to present one of those exceptional and anomalous cases which private acts are especially designed to relieve.

Your committee therefore recommend that the bill do pass.

Mr. KILGORE. Mr. Chairman, if I have understood correctly this bill and the report, the purpose of the bill is to pension the father of a man who was drowned, and who at the time of losing his life was not a soldier.

Mr. MAHON. He lost his life while being transported to his home by the Government on a Government vessel.

Mr. KILGORE. Had he not already been discharged?

Mr. MAHON. But the Government was bound to transport him to his home.

Mr. KILGORE. Suppose he had been traveling in a vessel which was not a Government vessel; would that have made any difference?

Mr. MAHON. Yes; if he was traveling by means of conveyance of his own selection.

Mr. CURTIS of New York. He was not to be regarded as discharged until he reached his home.

Mr. KILGORE. The Government was simply giving him transportation.

Mr. CURTIS of New York. The Government was returning him to his home under its contract to return him to the place where he had enlisted.

Mr. KILGORE. I think it is going a good ways to undertake to pension the father of a man who at the time of his death was not a soldier at all—was in private life, having been discharged from the military service. The only ground upon which this claim can be based is that the soldier was on his way home on a Government transport. Now, suppose he had been paying his own expenses, would that have made any difference? It was simply as a matter of accommodation to him that the Government was transporting him.

Mr. HAYES. Not as a matter of accommodation, but as a matter of right.

Mr. KILGORE. But suppose transportation had been furnished to him upon a railroad or by any other means of transportation.

Mr. VAN VOORHIS of New York. It was the business of the Government to send him home on a safe vessel.

Mr. KILGORE. I am a little inclined to antagonize this bill.

Several MEMBERS. Oh, no.

Mr. MARTIN of Indiana. If the gentleman will yield to me I wish to say that the theory the committee had in its mind in recommending the passage of the bill was this: The Government of course took this man away from his home, which was in Maine. He was discharged at New Orleans. The Government furnished him transportation back to his home. On that return trip the transport sank and the man lost his life. His father, who was dependent on him and is now over 80 years of age, has asked for a pension.

Mr. KILGORE. There is not in the report any statement to the effect that his father was dependent on him or would have been now.

Mr. MARTIN of Indiana. Yes, sir; there is.

Mr. KILGORE. What does the report say on that subject?

Mr. MARTIN of Indiana. The report states that "the soldier lived with his father and aided in his support."

Mr. KILGORE. Well, he could not have been expected to be living with his father all this time, even if he had survived. Was the soldier a single man?

Mr. MARTIN of Indiana. He was. Mr. Chairman, permit me to say that this is one of those cases in which, I submit, there ought not to be an insistance on any technical ground of this kind in opposition to the granting of the pension. It was not the fault of the soldier that he was away from home, and it was not his fault that he was drowned while returning.

Mr. KILGORE. Well, he was simply performing a patriotic duty when he enlisted.

Mr. MARTIN of Indiana. Yes; that is true.

Mr. KILGORE. When was he discharged?

Mr. MARTIN of Indiana. On May 17, 1864.

Mr. KILGORE. And he enlisted in November, 1863?

Mr. MARTIN of Indiana. Yes, sir.
Mr. KILGORE. Why was he discharged?
Mr. MARTIN of Indiana. He was discharged on account of chronic diarrhea and disease of the heart.
Mr. KILGORE. I do not see how his father could depend on him very much in that condition.
Mr. MARTIN of Indiana. Well, if he had not been discharged until he put his foot on the shore, back in his home, his father, under the present law, would be entitled to a pension.
Mr. KILGORE. Under the law of 1890?
Mr. MARTIN of Indiana. Yes, sir.
Mr. KILGORE. Very well; let it go.
The CHAIRMAN. Without objection, this bill will be laid aside with favorable recommendation.
There was no objection, and it was so ordered.

JOHANNA GLEASON.

The next businss on the Calendar was the bill (H. R. 5703) for the relief of Johanna Gleason.
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 Johanna Gleason, widow of Thomas Gleason, of Company A, Thirty-fifth New York Volunteers, on the pension roll, and pay her a pension subject to the provisions and limitations of the general pension laws.

The committee recommend the adoption of the following amendment:

Strike out in lines 7 and 8 the words "general pension laws" and insert "act approved June 27, 1890."

Mr. KILGORE. Let the report be read.
The report (by Mr. RYAN) was read, as follows:

The Committee on Invalid Pensions, having had under consideration House bill No. 5703, makes the following report:
Thomas Gleason enlisted in Company G, Thirty-fifth New York Volunteer Infantry, and served from June 11, 1861, to April 19, 1863, when he died from pistol wound received that day in barroom fight, the weapon having exploded while in his own hand. A claim for pension was filed by his widow, Johanna Gleason, uner the act of July 14, 1862. It was rejected January 19, 1866, on the ground that the soldier was killed in an affray, not in line of duty.
A claim was also filed July 3, 1893, under the act of June 27, 1890. This was rejected October 21, 1893, on the ground of no title, the soldier having died in the service, not honorably discharged as required by said act, and under the present laws and practice the latter claim can not be reopened.
The evidence shows that the widow has no property or income.
There is a letter on file from Capt. John A. Haddock, of the soldier's company, dated just prior to soldier's death and addressed to this claimant, which tends to show that the affray was not of the soldier's seeking; that he was sober, was assaulted, and wrenched the pistol from the hands of his assailant. This is a case where a pension can not be granted because of technical grounds, and is one of that class of cases where special acts of Congress are necessary. Your committee, therefore, do recommend that the bill pass after being amended by striking out the words "general pension laws" in lnies 7 and 8 and inserting the words, "act approved June 27, 1890."

Mr. TALBERT of South Carolina. Mr. Chairman, is the gentleman in charge of this bill present to-night?
Mr. MARTIN of Indiana. That bill was introduced by the gentleman from New York [Mr. SHERMAN].
Mr. TALBERT of South Carolina. He is not present?
Mr. MARTIN of Indiana. No, sir.
Mr. TALBERT of South Carolina. Who reported the bill?
Mr. MARTIN of Indiana. It was reported by Mr. RYAN.
Mr. TALBERT of South Carolina. I would like to have some explanation other than that covered by the report.
Mr. MARTIN of Indiana. I desire to say, Mr. Chairman, that the case is simply this: Had this man been killed under the same circumstances, after his discharge, his wife would have been entitled to a pension. He served nearly two years and then lost his life; but did not lose it in the line of duty. That is the only point.
Mr. TALBERT of South Carolina. He lost his life in a personal difficulty, if I understand it?
Mr. MARTIN of Indiana. Yes, sir.
Mr. TALBERT of South Carolina. But he was in the service at the time?
Mr. MARTIN of Indiana. Yes.
Mr. TALBERT of South Carolina. And his widow can not get a pension under the general law?
Mr. MARTIN of Indiana. His wife can not get a pension under the new law because he had not been discharged from the service. The claim was rejected because it was held that the soldier had not been killed in the line of duty; and the widow can not get a pension under the general act passed on Wednesday of last week.
The CHAIRMAN. Without objection the amendments recommended by the committee will be agreed to.
There was no objection.
Mr. KILGORE. Mr. Chairman, I do not understand from the reading of the report in this case when this killing took place.
Mr. MARTIN of Indiana. On the 19th day of April, 1863.
Mr. KILGORE. Where?
Mr. MARTIN of Indiana. Well, the report does not state.
Mr. KILGORE. Was he in the Army at the front, or was he somewhere in the rear, on leave of absence?
Mr. MARTIN of Indiana. Well, I can not tell. I may as well be entirely frank about it. My understanding is that he was at the front.
Mr. KILGORE. And his wife now seeks a pension?
Mr. MARTIN of Indiana. Yes, sir.
Mr. KILGORE. What has the Bureau to say about it?
Mr. MARTIN of Indiana. He did not die in the line of duty, and therefore the widow can not draw a pension under the old law. He did not have an honorable discharge from the service, and hence she can not get a pension under the new law. The Pension Bureau, therefore, was compelled to reject the claim.
Mr. KILGORE. I understand he met his death while in the service and before he was discharged?
Mr. MARTIN of Indiana. That is correct. He had not been discharged, and he was in the service when he met his death.
Mr. KILGORE. The question is whether he was in the line of duty when he was killed. How was he killed?
Mr. MARTIN of Indiana. In a personal difficulty with a comrade.
Mr. KILGORE. How would it be to let this case lie over a little, so that we can look into it a little further?
Mr. VAN VOORHIS of New York. Oh, this is Mr. SHERMAN'S case. He is not here. Let it go through.
Mr. KILGORE. Well, he had just as well be here as the rest of us.
Mr. MARTIN of Indiana. This would come clearly under the general law which we passed, so far as the House is concerned, on the day that we had assigned to us for business from the Committee on Invalid Pensions.
Mr. KILGORE. When was this bill reported?
Mr. MARTIN of Indiana. On the 11th of May.
Mr. KILGORE. Is it a unanimous report?
Mr. MARTIN of Indiana. Unanimous.
Mr. KILGORE. Was there not some objection in the committee?
Mr. MARTIN of Indiana. No, sir; none whatever that I know of.
The fact is this: He died in 1863, over thirty-one years ago. This woman has lived as his widow ever since. The man was in the service while she was at home doing the best she could, and the committee felt that the wife, or widow now, ought to be entitled to some consideration, and so we granted the pension of $8 a month which she would receive under the general law if the circumstances had been different.
Mr. KILGORE. There appears no evidence except a written statement by some one that the soldier himself was not the aggressor.
Mr. MARTIN of Indiana. Yes; that is true.
Mr. KILGORE. That is a written statement, but it is not evidence that would be very satisfactory. Was this letter written by some gentleman who was present and knew about the facts?
Mr. MARTIN of Indiana. By Capt. John A. Haddock, the captain of the soldier's company, and the letter is dated just prior to the soldier's death, and addressed to the claimant. It tends to show that the controversy was not of the soldier's seeking——
Mr. KILGORE. Was not what?
Mr. MARTIN of Indiana. Was not of the soldier's seeking, and that he was sober, was assaulted, and wrenched the pistol from the hands of his assailant. It was not his own pistol.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be laid aside, to be reported to the House with the recommendation that it do pass.

ELIZABETH MOORE ENGLISH.

The next business on the Private Calendar was the bill (H.R. 6585) granting a pension to Elizabeth Moore English.
The bill was read at length.
The Clerk proceeded to read the report.
During the reading of the report,
Mr MARTIN of Indiana said: Mr. Chairman, I ask unanimous consent that that bill be passed over without prejudice.
There was no objection.

GRACE HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 6403) to increase the pension of Grace Harrington.
The bill was read at length.
Mr. MARTIN of Indiana. Mr. Chairman, I desire to ask if the gentleman who introduced this bill is present?
The CHAIRMAN. The bill was introduced by the gentleman from New York [Mr. DUNPHY], and he does not seem to be here.

Mr. MARTIN of Indiana. I ask unanimous consent, then, that it be passed over, since it is a bill to increase a pension.

There was no objection.

MATTHEW T. LEWIS.

The next business on the Private Calendar was the bill (H. R. 6923) for the relief of Matthew T. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to grant an honorable discharge to Matthew T. Lewis, late of Company K, Third Michigan Cavalry.

The Committee on Military Affairs recommended the following amendment:

Add to the bill the following words:

"*Provided*, That no pay, bounty, or emolument shall become due by virtue of the passage of this act."

Mr. TALBERT of South Carolina. Mr. Chairman, I ask that that bill be passed over.

The CHAIRMAN. The gentleman from South Carolina asks that the bill be passed over.

Mr. GORMAN. I hope the gentleman from South Carolina will not insist on this bill going over until he hears a statement of the merits of the bill.

Mr. TALBERT of South Carolina. I have no objection to the gentleman making a statement.

Mr. GORMAN. I will say, Mr. Chairman, that this is one of the class of bills that the Committee on Military Affairs consider with favor. The claimant comes before Congress asking for relief because of long and meritorious services, and because the desertion was in a measure justifiable.

This soldier enlisted in 1861. He served faithfully and gallantly until January or February, 1864, never being absent a day from his command. He reenlisted and was allowed thirty days' furlough, the first time that he had been home or absent from his command since his enlistment. About a month after he returned to his command at Benton Barracks, in St. Louis, Mo., his wife telegraphed him that if he wanted to see his daughter, his only child, before she died, he had better come home at once.

He asked for leave, which was denied him on the ground that he had just had thirty days' leave, and that the regiment would soon be ordered to Arkansas. He talked with some of his comrades, notably one of the officers, the orderly-sergeant, Mr. Hartman, who makes an affidavit to the facts here. Mr. Lewis said to him, "What shall I do?" He replied, "If I were in your place I know what I should do." Lewis went home. His daughter died either the day he arrived home or the day after. He himself was taken sick and was not able to get out of the house for over a year, and was not able to move away from his home for two years.

So the affidavits and proof presented before the Committee on Military Affairs show. I sincerely think this is a case that has merit in it, on account of his faithful service, and on account of the circumstances attending the desertion.

Mr. TALBERT of South Carolina. Is it the object of the bill to grant him a pension afterward, or just to have the stigma of desertion removed.

Mr. GORMAN. That is the object, and if he can get a pension afterward, that is his own lookout. It depends upon the merits of his claim.

Mr. TALBERT of South Carolina. Does he come under the pension law? Is he disabled?

Mr. GORMAN. That I do not know. He is an honorable, honest, and worthy old citizen, and a resident of my district, and he asks that the stigma of desertion be removed. He feels that he has been sufficiently punished for thirty years to condone his leaving without authority. That is what the bill is for.

I believe it the duty of this great Government to do justice to this old soldier, who left his command under apparently justifiable reasons, by at this late date giving him an honorable discharge in consideration of the valuable services rendered in time of need.

Mr. TALBERT of South Carolina. Is there a proviso?

Mr. GORMAN. There is a proviso that no pay, bounty, or emolument shall be allowed.

The CHAIRMAN. The Clerk will report the amendment.

The amendment recommended by the Committee on Military Affairs was again read.

Mr. TALBERT of South Carolina. In view of the fact that possibly this bill might create opposition, and as there may be some more meritorious bills that we might pass, it seems to me it would be very well to pass this bill over for to-night. Possibly, if it was insisted upon, it might break up the meeting. [Laughter.]

Mr. GORMAN. I will say to the gentleman that this is the only bill I have on the Calendar, while many have asked me to introduce bills for them. This, however, is the one that I thought there was the most merit in.

Mr. TALBERT of South Carolina. I make no further objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GRACE HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 6403) to increase the pension of Grace Harrington.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that we pass over the bills which have been introduced by members who are not present, and that we consider the bills introduced by gentlemen who are present.

The CHAIRMAN. The Chair understands that the gentleman who introduced this bill is not present.

Mr. PICKLER. I object.

Mr. MAHON. Let them come here.

The CHAIRMAN. The Clerk informs the Chair that he read the wrong bill. He will now report the bill which is regularly in order.

HENRY HALTEMAN.

The next business on the Private Calendar was the bill (S. 1526) for the relief of Henry Halteman.

The bill was read.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that that bill be passed without prejudice.

The CHAIRMAN. Without objection that order will be made. [After a pause.] The Chair hears no objection, and it is so ordered.

GEORGE W. HARBAUGH.

The next business on the Private Calendar was the bill (H. R. 6633) for the relief of George W. Harbaugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove from all the records in his Department the several charges of desertion appearing on the rolls and hospital record of George W. Harbaugh, as a late private in Company G of the Sixth Regiment of Wisconsin Volunteer Infantry, and as a late private in the Sixth Independent Battery, Ohio Light Artillery, and in Battery M, Fourth United States Artillery, and grant to said George W. Harbaugh an honorable discharge of date October 30, 1863, from Company G, Sixth Regiment of Wisconsin Volunteer Infantry, and also grant to said George W. Harbaugh an honorable discharge of date June 24, 1865, from the Sixth Independent Battery, Ohio Light Artillery.

Mr. MARTIN of Indiana. Mr. Chairman, if there be no gentleman present interested in the passage of that bill, I ask that it be passed over without prejudice.

Mr. PICKLER. Mr. Chairman, there is; and I so informed the chairman of the Committee on Invalid Pensions just now.

Mr. MARTIN of Indiana. I beg the gentleman's pardon. I did not understand what he said.

Mr. PICKLER. Mr. Chairman, I represent that bill. The gentleman from Missouri [Mr. MORGAN] introduced the bill, and he is not here to-night. He wants it, however, to be considered; and, moreover, the soldier has been here for weeks and weeks trying to get his bill passed; and he is a worthy old man.

Mr. KILGORE. Mr. Chairman, what disposition is proposed to be made of that bill? Let us have the report read.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 6633) for the relief of George W. Harbaugh, having considered the same, respectfully submit the following report:

George W. Harbaugh was enrolled June 15, 1861, as a private in Company G, Sixth Wisconsin Infantry Volunteers, and mustered into service July 16, 1861, to serve three years. The hospital records show him admitted to Seminary General Hospital in Georgetown, D. C., October 3, 1861, with remittent fever; transferred and admitted to Camden Street Hospital in Baltimore, Md., October 10, 1861, same diagnosis, and returned to duty November 16, 1861.

The company muster roll for November and December, 1861, and subsequent rolls to include May and June, 1862, report him present. The roll for July and August, 1862, reports him "absent without leave since August 29, 1862;" and roll for September and October, 1862, "deserted August 29, 1862." His name does not appear on subsequent rolls of the company.

This charge of desertion was disproved by the following hospital record, showing that his absence was due to the honorable cause of a gunshot wound in battle the 29th of August, 1862, at Bull Run.

The hospital records show him admitted to Cliffburn Hospital, District of Columbia, September 1, 1862, diagnosis not stated; admitted to Race Street General Hospital at Philadelphia, Pa., September 4, 1862, with gunshot wound, and returned to duty October 4, 1862; readmitted to the same hospital October 14, 1862, with catarrhal fever, and returned to duty November 3, 1862; again admitted December 18, 1862, with "hypertrophy cardis," and deserted March 15, 1863; admitted to McClellan General Hospital in Philadelphia, Pa., April 3, 1863 (date or manner of return from the reported desertion of March 15, 1863, not shown), with debility, and returned to duty July 9, 1863.

George W. Harbaugh was enrolled January 28, 1864, at Wooster, Ohio, as a recruit, for three years, in the Sixth Independent Battery, Ohio Light Artillery, and joined the battery March 5, 1864. The hospital records show him treated in various hospitals, for diarrhea, from July 27, 1864, to September 5, 1864, and for intermittent fever from September 5, 1864, to October 6, 1864, when he was returned to duty.

The muster roll of the Sixth Independent Battery, Ohio Light Infantry, for November and December, 1864, reports him on detached service with Battery M, Fourth United States Artillery, and the muster roll for January and February, 1865, and the muster-out roll of the battery, dated September 1, 1865, and the records of Battery M, Fourth United States Artillery (to which he was attached sometime in November or December, 1864), show him to have deserted from Battery M, Fourth United States Artillery, December 24, 1864, at Columbia, Tenn.

On the 17th of June, 1871, the soldier applied for an honorable discharge as of the Sixth Ohio Battery, declaring under oath that he remained with the battery up to the latter part of December, 1864, when he was detailed in Hospital No. 15, Nashville, Tenn., by the medical director, and was assigned to duty as a clerk; that he remained there until June 9, 1865, when he received a furlough for thirty days, and went to his home in Wisconsin; that before his furlough expired the battery was mustered out of service at Columbus, Ohio, and, as he was to report to the battery, and not return to the hospital, he could not reach his command, and was, therefore, not discharged. No record of this alleged furlough has been discovered.

In reference to the above furlough. George W. Grubb, age and place of residence not stated, under date of October 2, 1883, swears that he was a member of the Sixth Ohio Independent Battery, and was personally acquainted with claimant from January, 1864, to June 10, 1865; that claimant participated in all the engagements of the Georgia campaign; that he was detached with Battery M, Fourth United States Artillery, about December 10, 1864, and was in hospital at Nashville, Tenn., from February 1 to June 10, 1865, when claimant and he were furloughed and traveled together as far as Mansfield, Ohio; that he knows that the claimant did not desert in December, 1864, or at any other time, and that he had a "proper furlough signed by the respective departments."

It appears from the evidence that the soldier was but 15 years of age when he entered the service; that he was a good soldier and fought with his regiment, the Sixth Wisconsin, a part of the Iron Brigade; that he was also in all the battles of the Atlanta campaign, under Sherman, and with Gen. Thomas at battles of Franklin and Nashville, having served three years nine months and eleven days, and was not a deserter, but was absent with leave of the hospital authorities on what he supposed a regular furlough and in company with his noncommissioned officer.

He never intended to desert, and was only absent from his command on account of sickness or wounds, and this after the last hostile gun was fired and the war was really over in the West.

In view of the facts, and that this was an error made in his case reporting him absent without leave when he was absent on account of wounds received in battle, and in view of his extreme youth, he being only a boy of 15 when he enlisted in the Army, the committee reports back the bill with a recommendation that it do pass.

The supplemental report (by Mr. MORGAN) was read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6633) for the relief of George W. Harbaugh, having considered the same, respectfully submit the following report:

George W. Harbaugh was enrolled June 15, 1861, as a private in Company G, Sixth Wisconsin Infantry Volunteers, and mustered into service July 16, 1861, to serve three years.

The hospital records show him admitted to Seminary General Hospital, in Georgetown, D. C., October 3, 1861, with remittent fever; transferred and admitted to Camden Street Hospital, in Baltimore, Md., October 10, 1861, same diagnosis, and returned to duty November 16, 1861. The company muster roll for November and December, 1861, and subsequent rolls to include May and June, 1862, report him present. The roll for July and August, 1862, reports him "absent without leave since August 29, 1862;" and roll for September and October, 1862, "deserted August 29, 1862." His name does not appear on subsequent rolls of the company.

The records show that his regiment was in action August 29, 1862.

This charge of desertion was disproved by the following hospital record, showing that his absence was due to the honorable cause of a gunshot wound in battle the 29th of August, 1862, at Bull Run.

The hospital records show him admitted to Cliffburn Hospital, District of Columbia, September 1, 1862, diagnosis not stated; admitted to Race Street General Hospital at Philadelphia, Pa., September 4, 1862, with gunshot wound, and returned to duty October 4, 1862; readmitted to the same hospital October 14, 1862, with catarrhal fever, and returned to duty November 3, 1862; again admitted December 18, 1862, with "hypertrophy cardis," and deserted March 15, 1863: admitted to McClellan General Hospital in Philadelphia, Pa., April 3, 1863 (date or manner of return from the reported desertion of March 15, 1863, not shown), with debility, and returned to duty July 9, 1863.

The following record disproves any desertion March 15, 1862: The register of men sent to and received from hospitals at Philadelphia, Pa., bears this man's name and shows him sent from Race and Crown Streets Hospital on January 16 (the register covers the years 1862 and 1863) to Race Street General Hospital. The remark "a deserter" appears in pencil thereon against him. The same register also reports him sent to McClellan General Hospital at Nicetown, Philadelphia, Pa., April 3, 1863.

His name appears on the muster rolls of the provost guard on duty at Philadelphia, Pa. (as belonging to Company G, Sixth Wisconsin Infantry), as follows: May and June, 1863; July and August, 1863, on detached service at Wood and Twenty-second streets; September and to include October 30, 1863, after which date all record of him ceased, as a member of Company G, Sixth Wisconsin Volunteer Infantry.

George W. Harbaugh, was enrolled January 28, 1864, at Wooster, Ohio, as a recruit, for three years, in the Sixth Independent Battery, Ohio Light Artillery, and joined the battery March 5, 1864. The hospital records show him treated in various hospitals, for diarrhea, from July 27, 1864, to September 5, 1864, and for intermittent fever from September 5, 1864, to October 6, 1864, when he was returned to duty.

The muster roll of the Sixth Independent Battery Ohio Light Artillery for November and December, 1864, reports him on detached service with Battery M, Fourth United States Artillery, and the muster roll for January and February, 1865, and the muster-out roll of the battery, dated September 1, 1865, and the records of Battery M, Fourth United States Artillery (to which he was attached sometime in November or December, 1864), show him to have deserted from Battery M, Fourth United States Artillery, December 24, 1864, at Columbia, Tenn.

This soldier appears, from the records of the hospital at Nashville, Tenn., and other evidence on file, to have been treated at Columbia, Tenn., from December 24, 1864, to February 1, 1865, for chills and fever, when he was ordered to report to the medical director of Nashville, Tenn. He was admitted to Hospital No. 14, Nashville, Tenn., February 26, 1865, and he is borne upon the hospital records of Nashville, Tenn., until June 24, 1865, when they show him transferred, where to not stated.

On the 17th of June, 1871, the soldier applied for an honorable discharge as of the Sixth Ohio Battery, declaring, under oath, that he remained with the battery up to the latter part of December, 1864, when he was detailed in Hospital No. 15, Nashville, Tenn., by the medical director, and was assigned to duty as a clerk; that he remained there until June 9, 1865, when he received a furlough for thirty days and went to his home in Wisconsin; that before his furlough expired the battery mustered out of service at Columbus, Ohio, and as he was to report to the battery, and not to return to the hospital, he could not reach his command, and was, therefore, not discharged. No record of this alleged furlough has been discovered.

In reference to the above furlough, George W. Grubb, age and place of residence not stated, under date of October 2, 1883, swears that he was a member of the Sixth Ohio Independent Battery, and was personally acquainted with claimant from January, 1864, to June 10, 1865; that claimant participated in all the engagements of the Georgia campaign; that he was detached with Battery M, Fourth United States Artillery, about December 10, 1864, and was in hospital at Nashville, Tenn., from February 1 to June 10, 1865, when claimant and he were furloughed and traveled together as far as Mansfield, Ohio; that he knows that the claimant did not desert in December, 1864, or at any other time, and that he had a "proper furlough signed by the respective departments."

As disproving the charge of desertion of December 24, 1865, the following evidence has been submitted:

L. K. Force, a resident of Akron, Ohio (post-office address, Middleberry, Ohio), age not stated, under date of September 24, 1883, swears that claimant and he were members of the Sixth Ohio Battery, detached with Battery M, Fourth United States Artillery; that on or about December 17, 1864, while on the march, said claimant was taken sick with chills and fever, and affiant accompanied him to a house in Columbia, Tenn., where they stayed all night; that on the following morning the claimant, being quite sick, had to be left at Columbia for medical treatment while affiant went on with the command; that he next met claimant about the last of April, 1865, in hospital at Nashville, Tenn., to which place he had been brought from Columbia, and that when affiant left Nashville, about May 8, 1865, the claimant was left in hospital there doing clerical duty.

Aaron P. Baldwin, aged 55 years, of Akron, Ohio, late captain of the Sixth Ohio Independent Battery, under date and seal of November 9, 1893, says:

"I was an officer in the Sixth Ohio Light Veteran Volunteer Battery and was on duty with the battery during the years of 1864 and 1865; that while the battery was camped at Chattanooga, Tenn., preparing for the Atlanta campaign, during the month of March, George W. Harbaugh reported to the battery as a recruit. He served through the Atlanta campaign, performing every duty in a faithful and soldierly manner. During the month of November he was placed on detached service with Battery M, Fourth United States Artillery.

"He was reported a deserter from Battery M on the pursuit of Hood, and so recorded on battery muster rolls. Other men of the Sixth Ohio Battery, living in Akron at this time, saw him in hospital at Columbus, Tenn., also in hospital, Nashville, Tenn., in June, 1865, from which he went home on furlough. I am satisfied he never deserted the service and is entitled to an honorable discharge, and would recommend such action by the War Department, believing he is entitled to the same as one who performed his duty, when health permitted, in a loyal and honorable manner."

It appears from the evidence that the soldier was but 15 years of age when he entered the service; that he was a good soldier and fought with his regiment, the Sixth Wisconsin, a part of the Iron Brigade; that he was also in all the battles of the Atlanta campaign under Sherman, and with Gen. Thomas at battles of Franklin and Nashville, having served three years nine months and eleven days, and was not a deserter, but was absent with leave of the hospital authorities on what he supposed a regular furlough and in company with his noncommissioned officer.

He never intended to desert, and was only absent from his command on account of sickness or wounds, and this after the last hostile gun was fired and the war really over in the West,

In view of the facts, and that this was an error made in his case, reporting him absent without leave when he was absent on account of wounds received in battle, and in view of his extreme youth, he being only a boy of 15 when he enlisted in the Army, the committee reports back the bill with a recommendation that it do pass.

The CHAIRMAN. The question is on laying aside this bill with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I simply desire to say in regard to this bill that it is not my bill. I know very little about it except what the report says. I know that this is a bill introduced by the gentleman from Missouri [Mr. MORGAN], and I understand that the soldier lives in his district. I became somewhat interested from knowing that the soldier was here, and having seen him week after week trying to have his bill passed, and that is the reason I insist on it now being considered.

It is true that this man did desert twice; but it is also true that the record shows that he was shot at the first battle of Bull Run, and that while he was suffering from that wound he was reported as a deserter. It is further conclusively shown that when he made application to go back to his regiment they would not restore him except on some condition, and that he was advised not to go back; and he did not go back, but enlisted in another regiment.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. KILGORE. I can not understand how a man who is wounded in battle, and thus necessarily fell into the hands of the infirmary corps, could be reported as a deserter after being taken to the hospital.

Mr. PICKLER. That is just the facts in the case.

Mr. KILGORE. That does not look reasonable.

Mr. PICKLER. The report shows how that was.

Mr. LOUD. I would like to ask the gentleman a question.

Mr. TALBERT of South Carolina. Was he not reported dead after the second battle of Bull Run?

Mr. PICKLER. I do not know as to that.

Mr. TALBERT of South Carolina. I did not catch the reading of the report exactly, but it seems to me that that is the way it read.

Mr. LOUD. Will the gentleman allow me to ask him a question?

Mr. PICKLER. In a moment. I have just a few words to say in addition. I have never talked with this man about that; but, as I understand the case, on this first desertion he was reported as dead, probably in the first engagement. He did not go back to that regiment, because when he was sufficiently able to go back he found that he had been reported as a deserter, and for some reason or other they insisted on some conditions, such as taking his pay, or something of the kind, I do not understand what. He did not comply with the conditions, but reënlisted in another regiment. He was in the hospital from that regiment, and was reported as a deserter while in hospital. Now, he at neither time was an actual deserter. One time he was shot and the other time he was sick in hospital; and that is the way his record stands.

It seems that fate follows some men. I confess that it is against this man that there should be two charges of desertion against him; yet both cases admit of full explanation and are fully explained. The man himself has been here, and I have talked with him. That is the only way I know anything about this case, for, as I have said, he is not from my district. I asked him, "How much bounty did you get the second time?" He stated positively that he got only the first installment of the bounty, and that he did not reënlist for a bounty, and I believe he tells the truth.

Mr. LOUD. The gentleman has stated that this applicant is around the halls of Congress pressing this bill. I ask him if he thinks it at all strange that this man should follow up this case so persistently when he so persistently enlisted and reënlisted at a time when large bounties were given?

Mr. PICKLER. Oh, well, I hope the gentleman will not do injustice to himself by raising technical questions in a case of this kind. I do not know how the fact was. I have only the man's own assertion that he did not receive the bounty.

Mr. LOUD. Still, you know that he must have received two large bounties if he enlisted twice in 1864.

Mr. PICKLER. I know he says he did not receive them, and I do not know why the gentleman from California should say that he did. The man is here without friends, and the House can vote down this bill if it chooses and let this stigma rest upon him, but I think these charges of desertion ought to be removed from this man before he dies. As I have said, he does not belong to my district. I have simply met him here and talked with him about his case.

Mr. KILGORE. About how many times does the report say that this man deserted?

Mr. PICKLER. Twice.

Mr. KILGORE. And you say that in one case he was shot in battle and sent to the hospital, and another time he was in the hospital sick.

Mr. PICKLER. Yes, sir.

Mr. KILGORE. Well, those two coincidences are altogether too remarkable. That a man should be twice charged with desertion, once because of being wounded and in hospital, and the other time when he was sick in hospital is so remarkable that it needs to be very clearly explained.

Mr. PICKLER. I submit to the gentleman that such a thing might very easily happen. Of course, it did not happen in many cases, but I think both these charges of desertion are very fully explained in the report. The man is a stranger to me; I never saw him till I saw him here and talked with him about his case, but I believe that he states it correctly.

Mr. KILGORE. I have no doubt that his story excited your sympathies, but the question is whether these charges of desertion ought to be removed and whether the evidence in the case would justify such action on the part of the House.

Mr. PICKLER. Has the gentleman any further questions to ask?

Mr. KILGORE. I am pretty well satisfied about this case.

The question being taken upon laying the bill aside to be reported to the House with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. KILGORE. I ask for a division.

The committee again divided; and there were—ayes 18, noes 12.

Mr. KILGORE. No quorum has voted, Mr. Chairman.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from South Dakota [Mr. PICKLER] and the gentleman from Texas [Mr. KILGORE].

Mr. PICKLER (pending the count by tellers). Mr. Chairman, as the gentleman from Missouri [Mr. MORGAN], whose bill this is, is not present this evening, I ask unanimous consent that it be passed over without prejudice, retaining its place upon the Calendar.

There was no objection, and it was so ordered.

JULIA E. LOCK.

The next pension business on the Private Calendar was an act (S. 828) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that that bill be passed over without prejudice.

There was no objection, and it was so ordered.

NETTIE N. SEAVER.

The next pension business on the Private Calendar was an act (S. 16) granting a pension to Nettie N. Seaver.

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 Nettie N. Seaver, widow of Henry T. Seaver, late a private in Company K, Fourth Regiment Vermont Volunteer Infantry.

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

The Committee on Invalid Pensions have considered the bill (S. 16) to pension Nettie N. Seaver and submit the following report:

A similar bill passed the Senate and was also favorably reported in the House in the Fifty-second Congress. This bill passed the Senate March 5, 1894.

The facts appearing are as follows:

Henry T. Seaver was a private in Company K, Fourth Regiment Vermont Volunteer Infantry. He enlisted September 21, 1861, and was discharged July 13, 1865, making his term of service almost four years. The records show that he was a brave and faithful soldier. At the battle of the Wilderness he received a gunshot wound, for which he was pensioned, and a large number of affidavits go to prove that he contracted rheumatism, diarrhea, and malarial poisoning. Soldier lived until 1872, when he died of a complication of diseases, apparently involving the stomach, spleen, and kidneys. The widow applied for a pension, and after a long time it was rejected on the ground that the fatal disease was not clearly shown to be due to Army service.

The matter was placed in the hands of two special examiners, both of whom, after an exhaustive examination, reported in favor of the claim.

Special Examiner Frank E. Marlee closed his report as follows:

"From a careful review of the testimony I am of the opinion that the claim is meritorious, and I recommend its admission."

Special Examiner Charles Fairbanks, who stands deservedly high in the service, says:

"I am of the opinion that in the absence of medical testimony and the obscurity of the disease of kidneys, further examination is useless. I recommend admission."

An autopsy showed ulceration of the kidneys, and the Pension Bureau ruled that that disease was the cause of death, and hence the widow was not entitled to pension.

When the special examinations were made all the physicians who had knowledge of the case were dead, but a general mass of testimony was taken from neighbors, which conclusively shows that soldier had been continuously sick from date of discharge to death, and all agreed in the opinion that death was the result of diseases contracted in the service.

The widow is poor and sick, being without property and unable, a portion of the time, to earn a living, as shown by affidavits quoted in the Senate report. No doubt she is entitled to a pension of $8 under the act of June 27, 1890, but it appears that she has never filed a claim under that act.

The facts appearing from the records of the Pension Office and records of the War Department, more fully stated, are as follows:

The soldier was enrolled August 24, 1861; was captured at James River June 30, 1862; confined at Richmond, July 13, 1862; admitted to hospital at Savage Station, Va.,—date not shown—with rheumatism; paroled September 13, 1862; sent to Washington September 28, 1862, and forwarded to Army of Potomac February 24, 1863; mustered out with company July 13 1865. He was pensioned $2.66⅔ per month (one third rate) on account of gunshot wound of arm, and died January 31, 1872.

It appears that he was treated in the service for rheumatism and for diarrhea, but that his death was caused by disease of kidneys.

In view of the fact that soldier is shown to have been ill from discharge and the obscurity of his diseases, and the presumption that these and his fatal disease of kidneys were related, and that all played a part in causing his death, your committee recommend that the bill do pass.

Mr. BAKER of New Hampshire. I move that that bill be laid aside, to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. Without objection, it will be so ordered.

Mr. KILGORE. I suppose, Mr. Chairman, that we must have that bill and report read over again, as there is so much confusion in the Hall that we can not hear anything out here.

The CHAIRMAN. The bill has been laid aside.

Mr. KILGORE. Well, I object to its being laid aside without having an opportunity to know something about it.

The CHAIRMAN. If the gentleman states that he rose in time to object, the Chair will accept his statement.

Mr. KILGORE. The Chair did not make the announcement so that I could hear it.

The CHAIRMAN. The Chair will accept the gentleman's statement.

Mr. KILGORE. From what I did hear of the report I assume that the beneficiary of this bill could get a pension under the act of 1890. I think the report so states. It certainly states facts sufficient to warrant the granting of a pension under the act of 1890, and that being the case, I do not see why we should pass this bill. I would like to have a statement from somebody who has some knowledge on the subject.

The CHAIRMAN. The Chair has no information about this bill. I should like to hear from the gentleman from Indiana [Mr. MARTIN], or from some other gentleman who may know the particulars of this case, some statement on that subject.

Mr. MARTIN of Indiana. In this case the soldier enlisted

September 21, 1861, and was discharged July 30, 1865, after nearly four years' service——

Mr. KILGORE. Mr. Chairman, I move that the committee rise. We can not hear anything that is said.

The question being put on the motion that the committee rise—

The CHAIRMAN. The noes seem to have it.

Mr. KILGORE. I call for a division.

The question being again taken, there were—ayes 4, noes 41.

So the motion that the committee rise was rejected.

Mr. KILGORE. Now, if the attention of the House can be given to this case, I should like to hear some explanation from the gentleman from Indiana. If we can not have order so that we can hear what is said, we may as well stop business.

Mr. MARTIN of Indiana. Mr. Chairman, the report of the committee states this case quite fully. I will try to state the matter in brief by saying that this soldier was a private in Company K, Fourth Regiment Vermont Volunteer Infantry. He enlisted September 21, 1861, and was discharged July 30, 1865, having served three years and ten months. He died in 1872. As I gather from the reading of the report (having no personal knowledge of the case), this applicant was the wife of the soldier during the war. He died of a complication of diseases, involving, apparently, stomach, spleen, and kidneys.

Now, this widow could obtain a pension under the act of June 27, 1890, which, as will be remembered, grants pension to the widow of any soldier who served ninety days or more and was honorably discharged. But in this case the committee concluded (as they did in another case recently considered favorably by the Committee of the Whole) that in view of the report made by two different special examiners, who went into the field, and summoned witnesses, and reported to the Department that, in their judgment, the claim was admissible under the old law, it would be no injustice to the Treasury, and would be a clear act of justice to this widow to recommend that she be pensioned at $12 instead of $8 a month.

As I have stated, her husband died in 1872. Possibly he might have obtained a pension had he himself applied. The record does not enable us to determine that matter. There has never been, as I understand, any pension paid in this case. But the soldier served three years and ten months. This lady is still a widow. These special examiners who went into the field and summoned witnesses in the case, reported that the claim ought to be admitted under the general law. Therefore the committee felt that it would not be going beyond what was right to recommend that she be pensioned under the general law at $12 a month rather than under the act of June 27, 1890, at $8 a month.

This, Mr. Chairman and gentlemen, is in brief the case presented to you for your action to-night.

Mr. KILGORE. Now, Mr. Chairman, I am not denying anything stated by the report or by the gentleman from Indiana. I am not denying the merits of this case. I am perfectly willing to admit that it is meritorious. From the statement which has been given to the House, I believe it is a meritorious case, and that no action on the part of Congress is necessary to enable this woman to obtain a pension.

That is my objection to the passage of this act. I believe that neither the House nor the Senate ought to pass measures in behalf of claimants for pension when those claimants have a right of way at the Pension Bureau. We ought not to trespass upon the authority and duties and jurisdiction of the Pension Bureau.

Mr. MCNAGNY. Would not the fact that this old lady has remained a widow for twenty years since the death of her husband, and has been totally without relief from the Government, modify your opinion to some extent as to the equity of this case?

Mr. KILGORE. Well, that may be so. But many of them were in the same position up to the date of the passage of the act of June, 1890. All of them, in fact, who were situated as this woman, were without a pension up to the date of the passage of that act.

Mr. MCNAGNY. She makes a very strong case under the old law.

Mr. KILGORE. What would she get under the old law?

Mr. MCNAGNY. Twelve dollars a month.

Mr. BRETZ. Oh, let the poor old woman have it.

Mr. KILGORE. Very well.

Mr. MARTIN of Indiana. Mr. Chairman, I wish to make a correction in my statement. I made the observation a few moments ago that probably this man might have obtained a pension himself. I find, however, that he was wounded in the battle of the Wilderness and was actually pensioned. There are a large number of affidavits going to show that he had contracted rheumatism, diarrhea, and malarial poisoning in the service.

Mr. HUNTER. How much pension did he draw?

Mr. MARTIN of Indiana. Well, this report was drawn up by my colleague on the committee, Mr. APSLEY, who is not present, and I can not answer the question.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with favorable recommendation.

The motion was agreed to.

OTIS SMITH.

The next business on the Calendar was the bill (S. 1640) granting a pension to Otis 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, subject to the provisions and limitations of the pension laws, the name of Otis Smith, of North Cambridge, Mass., late a private in Company D, Twentieth Regiment Maine Volunteer Infantry, and that he receive a pension of $30 per month in lieu of that which he now receives.

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

The Committee on Invalid Pensions have considered the bill (S. 1640) to increase the pension of Otis Smith, which passed the Senate April 11, 1894, and submit the following report:

The facts stated in the report of the Senate committee are as follows:

"The claimant under this bill was a private in Company D, Twentieth Regiment, Maine Volunteer Infantry, and after an honorable service of six months received a painful injury in the line of duty, which resulted in a double inguinal hernia and other disabilities, which have proved permanent. Soldier also contracted intermittent fever in the service, from which he still suffers. He now draws a pension at the rate of $17 per month, and an application for increase has been rejected. It is admitted on all hands that soldier is in a most deplorable physical condition.

"On one side the hernia can not be retained by a truss, and soldier suffers constant, severe pain; his mind is almost completely gone, and he is utterly unable to do any work whatever. Claimant is 84 years old, in extreme poverty, and can not possibly long survive.

"The last medical examination by a board of pension examiners recommended, for the combined disabilities, a rate of $54 per month, and other medical examinations have recommended a higher rate than is proposed in the pending bill."

The records of the Pension Bureau show that this soldier is pensioned at $17 on account of double inguinal hernia, malarial poisoning, and injury to back. He served from July 1 to December 9, 1862, when discharged because of age and injury, having been absent in hospital since October 29, 1862. Medical examination at Boston, Mass., in May, 1893, rates him $14 for double hernia and $4 for lumbago, but states that there are no external evidences of injury to back.

The board also reports him 83 years of age and rates him second grade ($30) for senility (old age) and results, but not for malarial poisoning. A previous examination in August, 1891, at Boston, rated $8, for hernia; $8 for malarial poisoning, and $8 for lumbago, and second grade for old age. In May, 1890, he was rated $12 for hernia, $2 for injury to back, and $4 for chills and fever.

In view of the general helplessness of this man from all causes, your committee recommend that the bill do pass.

The CHAIRMAN. The question is on laying aside the bill with favorable recommendation.

The question was taken; and on a division (demanded by Mr. KILGORE) there were—ayes 37, noes 1.

Mr. KILGORE. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. KILGORE and Mr. MARTIN of Indiana were appointed tellers.

The committee again divided; and the tellers reported—ayes 28, noes 1.

Mr. KILGORE. A quorum has not voted.

Mr. MARTIN of Indiana. I ask unanimous consent that that bill be passed over without prejudice.

Mr. PICKLER. I object.

Mr. MARTIN of Indiana. I hope the gentleman will not do that.

Mr. PICKLER. There is no better bill on the Calendar, or a more deserving one than this. I object.

Mr. KILGORE. I withdraw the point of no quorum. [Applause.]

So, no further count being demanded, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA H. CHAMBERS.

The next business on the Calendar was the bill (S. 876) granting a pension to Rebecca H. Chambers.

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 Rebecca H. Chambers, she being the only sister of Archer S. Harmon, late of Company B, Ninety-third Regiment of Indiana Volunteer Infantry, who died unmarried in said service.

Mr. KILGORE. Let the report be read.

The CHAIRMAN. The report in this case is somewhat lengthy.

Mr. KILGORE. Well, that is no objection.

The CHAIRMAN. The report will be read.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that I may be allowed to make a short explanation in place of the reading of the report.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Indiana. This claimant, Rebecca H. Chambers, is a single woman, a widow, who resides at Butlersville, Indiana, in Jennings County; her maiden name was Rebecca H.

Harman. She was married to the soldier on the 18th of March, 1886, and her husband died on March 6, 1892. She is now unmarried and in reduced circumstances.

Mr. KILGORE. When was she married?

Mr. MARTIN of Indiana. On the 18th of March, 1886.

Mr. KILGORE. She was not the wife of the soldier at the time he performed the service?

Mr. MARTIN of Indiana. No; this is a sister. I want to say to the Committee of the Whole that this lady was the sister of five brothers who enlisted in the service; that when four of them had gone, the last one, living with her and her mother, hired some one to stay in his place to take care of the mother and the sister. The soldier died in the service. This woman subsequently took care of her mother until her mother's death.

She finally had to have one of her limbs amputated. She is now a one-legged woman, without anyone in the world to depend upon, with no property, with five brothers who died in the service, and this brother of whom I have just spoken, having hired a person to stay in his place and take care of the mother and sister for awhile. The effect of this bill would place her on the pension roll at $12 a month. She is in absolute poverty and in nearly as pitiable a condition as it is possible to be.

Mr. TALBERT of South Carolina. Is there any precedent for sisters being pensioned?

Mr. MARTIN of Indiana. Yes.

Mr. TALBERT of South Carolina. Such bills have been passed heretofore?

Mr. MARTIN of Indiana. Yes, in this Congress. You see, under the law, dependent brothers and sisters were pensionable, and in extreme cases like this and cases not so strong as this, Congress has felt that where a dependent brother or sister might be entitled to a pension, as in this case, where the woman had become of age, the act might be extended that far.

Mr. TALBERT of South Carolina. There is no general legislation that would cover this case?

Mr. MARTIN of Indiana. No, sir; none at all, and I suppose that no general legislation could be made that would cover this class of cases.

Mr. TALBERT of South Carolina. Is there no provision in that part of the country whereby people who can not take care of themselves can be sent to the almshouse or be cared for by the county?

Mr. MARTIN of Indiana. I suppose so, but——

Mr. RYAN. I hope that the sister of five brothers who died in the Army will not be permitted to go to the poorhouse.

Mr. TALBERT of South Carolina. I should like to know what the precedents are for this action?

Mr. MARTIN of Indiana. I wish I could call the name of the case. The gentleman questioned me about it one night here, within the last two months. It was a bill introduced by the gentleman from Illinois [Mr. WILLIAMS], I think, and reported by the gentleman from Illinois [Mr. MCDANNOLD]. That was a case where the woman was then or had been in the poorhouse.

Mr. KILGORE. Was this lady ever married?

Mr. MARTIN of Indiana. Yes; and her husband has been dead for several years.

Mr. KILGORE. Were these brothers who were lost in the war, and this one who survived the war, any of them married?

Mr. MARTIN of Indiana. I think probably they were, except this one. These young men, one after another, all enlisted in the Union Army, Samuel Harman in the Eighty-second Regiment Indiana Volunteers; John Harman in Company B, One Hundred and Fortieth Regiment Indiana Volunteers, who died while in the service in the hospital at Louisville, Ky.; James Harman in Company F, Twenty-second Regiment Indiana Volunteers; Michael Harman in the Third Regiment Indiana Volunteer Cavalry; Archer S. Harman in Company B, Ninety-third Regiment Indiana Volunteers, who died in the hospital in St. Louis, Mo., while in the service.

Mr. KILGORE. Now, if they had wives surviving them, their wives drew pensions on account of their service and death?

Mr. MARTIN of Indiana. Yes, their widows would be pensioned, but this one I speak of did not have any wife.

Mr. KILGORE. When was this lady married?

Mr. MARTIN of Indiana. She was married in 1886. Her husband died March 6, 1892.

Mr. KILGORE. I think this is going a long way to allow a pension in such a case as this.

Mr. RYAN. This is a very meritorious case.

Mr. KILGORE. Oh, it is a meritorious case, so far as charity is concerned, but it is stretching the law a long way, according to my notion, to put this lady on the pension roll.

Mr. MARTIN of Indiana. The mother in this case——

Mr. KILGORE. Mr. Chairman, as I can not hear what is going on from the conversation that is taking place, I may insist on closing up this business if we can not have order in this committee.

The CHAIRMAN. The Chair would suggest that the order is a little better than usual.

Mr. MARTIN of Indiana. I desire to say, further, Mr. Chairman, the mother of this claimant applied for a pension on account of the death of the soldier, who died unmarried, but that pension was not allowed until after the death of the mother, which occurred September 25, 1885. The accrued portion of this pension, being the proportional share for three months, was paid the claimant, to reimburse her, although a very small reimbursement, for the expenses during the last sickness and death of her mother.

Mr. KILGORE. I do not think that sort of a bill ought to pass.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN C. NUSS.

The next business on the Private Calendar was the bill (H. R. 6926) for the relief of John C. Nuss.

The bill was read.

The CHAIRMAN. The bill does not seem to be in order under the rule.

Mr. MAHON. Who has charge of that bill? Is there anyone present who has charge of that bill?

The CHAIRMAN. From the reading of the bill it does not seem to be in order under the rule. Perhaps some gentleman can explain the bill.

Mr. MAHON. Mr. Chairman, I ask that the bill be laid aside without prejudice.

The CHAIRMAN. The gentleman from Pennsylvania asks that the bill be laid aside without prejudice. Without objection, that order will be made.

There was no objection, and it was so ordered.

ELLEN G. HEINER.

The next business on the Private Calendar was the bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase and pay a pension of $40 per month, in lieu of the pension now received, to Mrs. Helen G. Heiner, widow of the late Capt. Robert G. Heiner, now deceased, of Company A, First United States Regular Infantry, and who was formerly first lieutenant of Company K, Fifty-seventh Pennsylvania Volunteers, to be subject to the provisions and limitations of the pension laws, from and after the passage of this act.

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

The Committee on Pensions, to whom was referred the bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner, have considered the same and report as follows:

This bill is accompanied by Senate Report No. 185, this session, and the same, containing a full statement of the facts, is adopted by your committee as their report, and the bill is returned to the House with the recommendation that it do pass.

[Senate Report No. 185, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 1427) granting an increase of pension to Mrs. Helen G. Heiner, have considered the same and report as follows:

A similar bill having unanimously passed the Senate during the last Congress, amended so as to allow an increase to $40 instead of $50 per month, your committee adopt the report made thereon, hereto appended, and recommend the passage of the bill as it formerly passed the Senate.

[Senate Report No. 962, Fifty-second Congress, first session.]

Robert G. Heiner was mustered into service as a second lieutenant, Twenty-second United States Colored Troops, December 26, 1863; promoted to be first lieutenant January 25, 1865, and was honorably mustered out of service October 16, 1865. He accepted appointment of second lieutenant, Eleventh United States Infantry, April 27, 1866; was transferred to Twenty-ninth Infantry, September 21, 1866; promoted to be first lieutenant July 28, 1866, and captain September 29, 1879, serving continuously until November 27, 1890, when he died at Columbus (Ohio) barracks. Cause of death, apoplexy, following chronic Bright's disease.

Capt. Heiner, left no property or other means of support for his family except a small house in Western Pennsylvania, which rents for $12 per month.

The widow who asks for the increase contemplated by this bill has three children, two being dependent, one a daughter of about 17 years, in delicate health, and a son about 15 years old. Her mother, aged 72 years, is also dependent upon her.

In view of all the circumstances and facts your committee recommend the passage of the bill with the following amendment: In line 4 strike out the word "fifty" and insert "forty."

The CHAIRMAN. The Clerk will read the views of the minority.

Mr. MARTIN of Indiana. Mr. Chairman, I desire to make an inquiry. If there be no gentleman present who will object to my request, I will ask that that bill be passed over, in view of the fact that there is a minority report.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Alabama [Mr. BANKHEAD] introduced that bill and the gentleman from New York [Mr. STRAUS] reported it.

The CHAIRMAN. Is there objection to passing this bill over without prejudice?

Mr. KILGORE. I object.

The CHAIRMAN. The Clerk will read the views of the minority.

The views of the minority were read, as follows:

VIEWS OF THE MINORITY.

The majority of the Committee on Pensions having favorably reported the Senate bill No. 1476, granting an increase of pension to Mrs. Helen G. Heiner, the undersigned, a member of the committee, desires to submit the following reasons why, in his judgment, the bill should not pass.

Mrs. Heiner is now receiving a pension rated at $20 per month, and in addition to this she receives $12 per month from rented property and $70 per month salary as a clerk in the Treasury Department. Her total annual income is over $1,200. Her children are all past the age of 16 years, and in the natural order of things will soon become self-sustaining. In fact one son, as the undersigned is reliably informed, is now in the United States Army with the rank and pay of a lieutenant.

There is nothing shown in the soldier's record or in any of the papers submitted to the committee to warrant Congress in favoring this widow above widows of other soldiers of similar rank, and it certainly can not be claimed that the increase of pension asked for is necessary to the comfortable support of herself and family. She does not need the additional pension, and, in the light of the facts above stated, there is no reason whatever for granting it to her unless an equal increase is made by general enactment in all cases of the same class.

There has not been, so far as I have heard, a single valid argument advanced in support of this bill, and, in my opinion, it would be a gross perversion of the powers of Congress to make an exception of a case so utterly devoid of merit.

Mr. KILGORE. Mr. Chairman, I move that this bill be laid aside with the recommendation that it lie on the table.

The motion was agreed to.

WEAR CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 6928) a bill to remove the charge of desertion from the military record of Wear Crawford.

The bill was read.

Mr. TALBERT of South Carolina. Mr. Chairman, I ask that that bill be passed over without prejudice.

The CHAIRMAN. Without objection, that order will be made.

There was no objection, and it was so ordered.

ROSANNA COBB.

The next business on the Private Calendar was the bill (H. R. 5994) granting a pension to Rosanna Cobb, widow of Edmond Cobb, deceased, late of Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosanna Cobb, of Pike County, Ill., widow of the late Edmond Cobb, deceased, who was a private in McDow's regiment of Illinois Volunteers in the Black Hawk war, and allow her a pension of $8 per month.

The amendments recommended by the committee were read, as follows:

Strike out the word "eight," in line 9, and insert in lieu thereof the word "twelve," so as to fix the rate of pension at $12 per month; and strike out the words "Black Hawk," in line 8, and substituting therefore the words "Sac and Fox."

Mr. MAHON. Mr. Chairman, I ask whether the member having charge of that bill is present? If not, I move that it be laid aside.

Mr. MCDANNOLD. Mr. Chairman, I introduced that bill and would like to have the report read.

Mr. MAHON. That is all right.

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

The Committee on Pensions, to whom was referred the bill (H. R. 5994) granting a pension to Rosanna Cobb, have considered the same, and report as follows:

The claimant is the widow of Edmund Cobb, who served from June 4 to July 2, 1831, as a private in Capt. McDow's Company of Illinois Volunteers in the Sac and Fox Indian war.

The soldier's service was recognized by the allowance of a bounty land-warrant under the act of 1855, but the widow's claim for pension under the Indian war act of July 27, 1892, was rejected because the service was rendered prior to 1832 and the act referred to includes only the Indian wars from 1832 to 1842.

It appears from her application on file at the Pension Office that Mrs. Cobb is now nearly 80 years old. The soldier died November 10, 1856. The following letter contains a full statement of the merits of the case:

WASHINGTON, D. C., *May 15, 1894.*

MY DEAR SIR: Having been informed that you have introduced a bill for the pension of Mrs. Rosanna Cobb, of Perry, Ill., and wish to know some thing of her pecuniary condition, I make the following statement:

I was born and lived in Perry twenty-three years. I have known her from my earliest recollection, and all that time she has supported herself by her own labor—doing washing, housecleaning, etc. She did the heavy work at my own home for years, and I know her to be an honest, worthy woman. Now that she is too old to work, her daughter has done plain sewing for the support of both. She has no sons nor any daughter who is able to give her much aid. I would respectfully urge a speedy action in this case, as I understand she is now bedridden and may live but a few months. I am,

Very respectfully, yours,

MRS. WILLIAM J. BRYAN.

Hon. JOHN J. MCDANNOLD,
House of Representatives.

After full consideration of all the facts your committee are of the opinion that the bill is a deserving one, and its passage is respectfully recommended, with an amendment striking out the word "eight," in line 9, and inserting in lieu thereof the word "twelve," so as to fix the rate of pension at $12 per month; and an amendment striking out the words "Black Hawk," in line 8, and substituting therefor the words "Sac and Fox."

The CHAIRMAN. Without objection, the amendments will be agreed to, and the bill as amended will be ordered to be laid aside with a favorable recommendation.

There was no objection, and it was so ordered.

JOHN F. FOSTER.

The next business on the Private Calendar was the bill (H. R. 5405) for the relief of John F. Foster, late Company C, Eighth Iowa Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to put upon the pension roll, at the rate of $12 per month, the name of John F. Foster, late of Company C, Eighth Iowa Cavalry.

The amendments recommended by the committee were read, as follows:

Strike out the words "at the rate of $12 per month" and insert in lieu thereof the words "subject to the provisions and limitations of the act approved June 27, 1890.

Also that the title be amended so as to read: "A bill to pension John F. Foster."

The CHAIRMAN. The Clerk will read the report of the majority and the views of the minority. There is a minority report in this case.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5405) granting a pension to John F. Foster, submit the following report:

John F. Foster enlisted July 1, 1863, in Company C, Eighth Iowa Cavalry Volunteers. He went into Camp Henderson at Davenport, Iowa, where he took sick about September 20, 1863, with chronic diarrhea and rheumatism, and was not mustered into the service because of said disabilities. He filed a claim for pension (No. 751605), which claim has not been allowed because the soldier was not mustered into the service.

He is now 70 years of age, and is disabled by rheumatism, has lost the use of his left hand and sight of left eye.

Richard L. McKenzie testifies to the present disability of the soldier.

William C. Cullum testifies as to the enlistment and contracting of disability in the United States service in camp at Davenport; that he was a sound man at enlistment, and that his disability still continues. Said Cullum was a member of the Eighth Iowa Cavalry.

John P. Campbell also testifies as to the soldier's enlistment, and that he was sound and healthy at time of enlistment, and that on his return home was suffering from chronic diarrhea and rheumatism; that he is still suffering from said diseases.

From the evidence filed with your committee, it appears that the soldier property enlisted and contracted the said diseases in the service before muster, and that by reason of such illness was not mustered into the United States service, and the failure to muster him prevents him from having a pensionable status.

Your committee think that he should be pensioned for said diseases at such rate as his disability would entitle him to.

Your committee recommend the amendment of the bill by striking out the words "at the rate of $12 per month" and by inserting in lieu thereof the words "subject to the provisions and limitations of the act approved June 27, 1890."

Also that the title be amended so as to read: "A bill to pension John F. Foster."

And that as so amended the bill do pass.

The views of the minority were read, as follows:

The salient point in this case is this:

The petitioner was never in the military service of the United States so far as appears from the records of the War Department. As against this want of record the petitioner alleges that he enlisted about July 1, 1863, in Company C, Eighth Iowa Cavalry, went into camp at Davenport, Iowa; was taken sick about September 20, 1863, with diarrhea and rheumatism, and finally lost the use of left hand and sight of left eye; he does not state when or how he left the service, or when or why his eye became affected.

William C. Cullom states, not in his own handwriting, that he knew of Foster's enlistment in the Eighth Iowa Cavalry, often met him in camp at Davenport, knew of his being taken sick with diarrhea and rheumatism, and has seen him suffering since with rheumatism of left hand, arm, and side, and believes he was free from these diseases July 1, 1863.

John P. Campbell testifies in almost the same words as Mr. Cullum. Whether these men were themselves, in fact, in the Eighth Iowa Cavalry is not shown.

Richard L. McKenzie testifies that he has known Mr. Foster for thirteen years, and knows that he has rheumatism in left side, and appears to have lost sight of the left eye and use of left hand.

Aside from this the committee has no evidence before it.

Now, the sole question in this case is, was this man a soldier of the United States? Is it possible that he could have enlisted and remained with his regiment for near three months and yet the rolls of that regiment show no trace of him? Whether he was such soldier seems to the undersigned to be clearly a matter within the jurisdiction of the Committee on Military Affairs to consider. If a bill should be passed directing the Secretary of War to place his name on the rolls of that regiment, he could then prosecute his claim for pension under the general law.

In recommending the passage of this bill the committee is unfairly impinging upon the jurisdiction of the Committee on Military Affairs, and is, in effect (upon what the undersigned consider entirely insufficient evidence), declaring, in contravention of the records of the War Department, that this man did serve for ninety days or more as a soldier in Company C, Eighth Iowa Cavalry.

For these reasons the undersigned recommend that the bill do lie on the table.

M. R. BALDWIN.
C. J. ERDMAN.

Mr. LACEY. Mr. Chairman, I move that this bill be laid aside with a favorable recommendation.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. LACEY. Division.

The committee divided; and there were—ayes 23, noes 6.

Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Iowa [Mr. LACEY] and the gentleman from South Carolina [Mr. TALBERT].

Mr. LACEY (pending the count). Mr. Speaker, I ask unanimous consent that the bill be laid aside without prejudice.

Mr. KILGORE. I object.

The CHAIRMAN. The gentleman from Texas objects. The tellers will resume their places.

The committee again divided; and the tellers reported—ayes 15, noes 4.

Mr. KILGORE. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair, under the rule, will cause the roll to be called.

The Clerk proceeded to call the roll.

Mr. MARTIN of Indiana (pending the call). Mr. Chairman, I ask unanimous consent that the gentleman from Texas withdraw his point of no quorum, and that the bill be laid aside without prejudice. If that is agreed to, I will make a motion that the committee rise, so that we may pass some of these bills that have already been disposed of in committee.

Mr. KILGORE. I object.

The Clerk resumed the call of the roll.

Mr. KILGORE (during the call). Mr. Chairman, if I understand the proposition of the gentleman from Indiana it is that he will move that the committee rise. In that case I am willing to withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent to vacate the order for the call of the roll, that the point of no quorum be withdrawn, and that this bill retain its place on the Calendar without prejudice.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WILLIAMS of Illinois having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration sundry bills and had directed him to report the same to the House with various recommendations.

Mr. MARTIN of Indiana. Mr. Speaker, if there be no objection, and if it be in order, I would like to put the bills that have been favorably reported upon their passage.

Mr. KILGORE. I object.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 9 o'clock and 55 minutes p. m.) adjourned until Monday next at 12 o'clock m.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 5732) for the relief of Charles W. Russey. (Report No. 1364).

By Mr. MARTIN, from the Committee on Invalid Pensions: A bill (H. R. 7359) to pension Samuel F. Tenant. (Report No. 1365).

By Mr. HARE, from the Committee on Invalid Pensions: A bill (H. R. 5551) for the relief of Emily A. Mann. (Report No. 1366).

By Mr. McDANNOLD, from the Committee on Invalid Pensions: A bill (H. R. 3343) for the relief of Mrs. Cinna Rickards, widow of John D. Rickards. (Report No. 1367).

By Mr. POST, from the Committee on the District of Columbia: A bill (H. R. 7582) providing for reconveyance by District Commissioners of certain lands to Andrew J. and Mary E. Curtis. (Report No. 1368.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolution, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 7886) to prevent monopolization of patented inventions—to the Committee on Patents.

By Mr. CURTIS of New York: A bill (H. R. 7884) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARD (by request): A bill (H. R. 7885) to regulate fares and transfers on certain street-car lines in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BAKER of Kansas: A bill (H. R. 7887) to provide means for gathering and storing rainwater in semiarid regions of the United States, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. DAVIS: A bill (H. R. 7896) to authorize the control of water for agricultural purposes—to the Committee on Ways and Means.

By Mr. BLAIR: A joint resolution (H. Res. 214) providing for the investigation of acts of unlawful violence throughout the country alleged to have been inflicted on account of crime—to the Committee on Labor.

By Mr. BLAND: A resolution directing the Committee on Ways and Means to report a bill for an income tax that will produce $100,000,000 of revenue annually, and to place all grades of sugar on the free list—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 7888) for the relief of H. K. Edwards—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 7889) for the relief of Thomas Riley—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7890) for the relief of Henry Bateman—to the Committee on Claims.

By Mr. IKIRT: A bill (H. R. 7891) to authorize payment of commutation to David Jones—to the Committee on Military Affairs.

By Mr. MAGUIRE: A bill (H. R. 7892) for the relief of Albrecht Nest, late of the United States Navy—to the Committee on Claims.

By Mr. NEILL: A bill (H. R. 7893) to grant a pension to Armstead Rawlings, of Arkansas—to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 7894) removing the charge of desertion from the record of James H. Andrews—to the Committee on Military Affairs.

By Mr. BRETZ: A bill (H. R. 7895) granting a pension to Buford W. Patterson—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Papers to accompany House bill 7879, to remove the charge of desertion now standing against James H. Waters—to the Committee on Military Affairs.

By Mr. BLAIR: Remonstrance of fraternal orders against the income tax—to the Committee on Ways and Means.

By Mr. BUNDY: Petition of F. E. Dougherty and 126 other citizens of Pike County, Ohio, for the survey and estimates for a ship canal from the lakes to the Ohio River by way of Sandusky and Scioto Rivers—to the Committee on the Judiciary.

By Mr. DAVIS of Kansas: Petition of 250 citizens of Chicago, Ill., praying for the impeachment of Richard Olney, Attorney-General of the United States, for misuse of his official position by the prostitution of Federal courts—to the Committee on the Judiciary.

By Mr. FITHIAN: Papers to accompany House bill for relief of Thomas Riley—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of the officials of First Baptist Church of Camden, N. J., against the passage of House bill 6913, appropriating Government moneys to sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of George S. Hains and 525 others, of Camden, N. J., and the vicinity, protesting against the passage of House bill 6913, appropriating public money to sectarian institutions or schools—to the Committee on Indian Affairs.

Also, petition of the officers of the board of the Third Methodist Episcopal Church, of Camden, N. J., representing a membership of 750, against the passage of House bill 6913, appropriating public moneys to sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of Broadway Methodist Episcopal Church, of Camden, N. J., official board, representing 1,200 members, against the passage of House bill 6913, appropriating public moneys to sectarian schools or undertakings—to the Committee on Indian Affairs.

Also, petition of the officials of the Centenary Methodist Episcopal Church, of Camden, N. J., authorized by their members, numbering 350, against the passage of House bill 6913, appropriating Government moneys for sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of the Eighth Street Methodist Episcopal Church, of Camden, N. J., against the passage of House bill 6913, appropriating Government moneys to sectarian schools and undertakings—to the Committee on Indian Affairs.

Also, petition of Rev. M. E. Snyder, pastor of the Slate Street Methodist Episcopal Church, of Camden, N. J., numbering 200 members, by unanimous request of the members, against the passage of the House bill 6913, appropriating Government moneys to sectarian schools and undertakings—to the Committee on Indain Affairs.

By Mr. WEADOCK: Petition of Max A. Dormer, Henry Koch, Theo. Mackinson, of Evangelical Lutheran Zion's Church, Beaver, Mich, against the amendment of preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of Rev. J. H. P. Partenfelder, Max Boen, Mike Kamm, of Emanuel Lutheran Church of Bay City, Mich., against amendment to preamble of Constitution—to the Committee on the Judiciary.

Also, petition of H. C. Kuechle, pastor of Emanuel Lutheran Church of Alpena, Mich , against amendment of preamble to the Constitution—to the Committee on the Judiciary.

Also, petition of T. Hartman, pastor; E. O. Summerfeld, and U. Miller, trustees of St. Paul Lutheran Church of Posen, Mich., against amendment of preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of Ferdinand Sievers and others, of Bay County, Mich., against the adoption of an amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Rev. George Brenthal, pastor; Christian Hildner and George Ortner, trustees, Michael Lutheran Church, Richville, Mich., against amendment to the preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of Rev. Emil Durr, pastor; John Graf and August Worth, elders, St. Paul Lutheran Church, Unionville, Mich., against amendment to the preamble of the Constitution—to the Committee on the Judiciary.

SENATE.

SATURDAY, *August 4, 1894.*

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

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 213) to pay for alley condemned in square No. 493, in the city of Washington, D. C.;

A bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes, relating to barratry on the high seas;

A bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska; and

A bill (H. R. 7488) authorizing the Secretary of the Interior to grant leases for sites on the Hot Springs Reservation, Arkansas, for cold-water reservoirs.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a telegram from the Board of Trade of San Francisco, Cal., an organization representing several hundred of the leading business men of that city, remonstrating against the passage of the so-called Bailey bankruptcy bill, which is now upon our Calendar. I move that the memorial lie on the table.

The motion was agreed to.

Mr. PERKINS presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education; which was referred to the Committee on Indian Affairs.

Mr. MCMILLAN presented the petition of R. B. Clark and sundry other citizens of Detroit, Mich., praying that in the passage of any law providing for the taxation of incomes the funds of fraternal beneficiary societies, orders, or associations be exempted from taxation; which was ordered to lie on the table.

He also presented memorials of Rev. Frank Blomfield and sundry other citizens of Dexter; of Jacob C. Winning and sundry other citizens of Adrian; of Rev. Thomas Middlemes and sundry other citizens of Alpena; of W. S. Hazelton and sundry other citizens of Leonard; of James H. Gaglier and sundry other citizens of Detroit; of William J. Hatton and sundry other citizens of Escanaba, and of William P. Warren and sundry other citizens of Saginaw, all in the State of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. SQUIRE presented a petition of sundry members of the bar of Yakima County, Wash., praying for the establishment of a district and circuit court term for the courts of the United States at North Yakima, to embrace the counties of Yakima, Kittitas, and Klickitat, in the State of Washington; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Astoria, Oregon, praying that an appropriation of $30,000 be made for the establishment and maintenance of one or more fish hatcheries upon the waters of the Columbia River, in that State; which was referred to the Committee on Fisheries.

He also presented sundry petitions of citizens of Seattle, Wash., praying for the passage of Senate bill No. 2115, to provide for the regulated free coinage of silver bullion into standard dollars of the United States, and for the preservation of the parity of value of the various kinds of coined money of the United States; which were referred to the Committee on Finance.

He also presented sundry memorials of citizens of Spokane, Tacoma, Reardan, Seattle, Ballard, Castle Rock, Bellingham Bay, Davenport, Ellensburg, Kalama, Sumner, Shelton, Medical Lake, Port Angeles, and Puyallup, all in the State of Washington, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

Mr. LODGE presented the memorial of Samuel H. Tuttle and 27 other citizens of Concord, Mass., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education; which was referred to the Committee on Indian Affairs.

Mr. VILAS presented the memorial of P. A. Colby and sundry other citizens of Waupaca, Wis., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. SHERMAN presented a memorial of 150 citizens of Cincinnati, Ohio, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented a memorial of sundry citizens of Chicago, Ill., and a memorial of sundry citizens of Rockford, Ill., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. PATTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2107) granting to the Northern Mississippi Railroad Company right of way through certain Indian reservations in Minnesota, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New; and

A bill (H. R. 4811) to pension Mary Trimble.

MARINE HOSPITAL SERVICE.

Mr. GALLINGER. I am directed by the Committee on Epidemic Diseases, to whom was referred a letter from the Secretary of the Treasury under date of August 4, 1894, and the draft of a bill for the amendment of the act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, to report a bill, and, as there is an emergency in this case, to ask for its immediate consideration.

The bill (S. 2280) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," was read the first time by its title.

By unanimous consent, the bill was read the second time at length and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," is hereby amended by adding to the end of said section the following:

"The provisions of this act shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels."

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