42, United Spanish War Veterans, Department of New York, for restoration of canteen—to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of William G. Fuller, William L. Aycock, and J. P. Kittle—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Winston, jr.—to the Committee on War Claims.

By Mr. LLOYD: Petition of Garnett Grange, Lewis County, Mo., against franking privilege—to the Committee on the Post-Office and Post-Roads.

Also, petition of Garnett Grange, Lewis County, Mo., against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Garnett Grange, Lewis County, Mo., against seed distribution—to the Committee on Agriculture.

By Mr. McMORRAN: Paper to accompany bill for relief of Jotham A. Vincent—to the Committee on Invalid Pensions.

By Mr. MAHON: Paper to accompany bill for relief of Sarah E. Hood—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of N. S. Williams, and M. J. Steffins, for amendment in new copyright bill—to the Committee on Patents.

Also, petition of Board of Trade of Chicago, Ill., for discrimination by Government so that one-third of transportation of Isthmian Canal Commission be out of Gulf ports, with New Orleans as largest shipment point—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Business Men's League, of Chicago, for conservation of public lands—to the Committee on the Public Lands.

Also, petition of Camp Luzon, No. 1, for medals for service in Philippines—to the Committee on Military Affairs.

Also, petition of National Business Men's League, of Chicago, Ill., for permanent consular improvement—to the Committee on Foreign Affairs.

By Mr. NEEDHAM: Petition of Templeton Board of Trade, and Paso Robles Improvement Club, for the purchase of Henry ranch for Army maneuvers—to the Committee on Military Affairs.

By Mr. REYNOLDS: Petition of Fruit Growers' Association, of Bedford County, Pa., for the Payne bill, amended, and the execution of a treaty with the German Government whereby exports from this country shall be subject to the minimum rate of duty—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of David R. Donnelly—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of the Courier, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of Mrs. Minnie Walker—to the Committee on Claims.

Also, paper to accompany bill for relief of Fred C. Loring—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Horeb Lodge, No. 23, I. O. B. B., against Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. RAINEY: Petition of citizens of Calhoun County, Ill., for appropriation to dredge opposite Hurricane Island, in the Illinois River—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Petition of citizens of Nash, Sawyer, and Kiomache, Ind. T., for appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of W. A. Bell—to the Committee on Invalid Pensions.

By Mr. SULLIVAN: Petition of Boston Chamber of Commerce, for White Mountain forest reservation—to the Committee on Agriculture.

Also, petition of Boston Chamber of Commerce, for arbitration to settle international disputes—to the Committee on Foreign Affairs.

By Mr. TAWNEY: Paper to accompany bill for relief of Turner J. Preble—to the Committee on Invalid Pensions.

By Mr. WEEMS: Paper to accompany bill for relief of George W. Ashton—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Monday Postmeridian Club, of Passaic, N. J., for White Mountain forest reservation—to the Committee on Agriculture.

Also, petition of Right Rev. John M. Scarborough, Bishop of Trenton Diocese, of New Jersey, for payment of an adequate price for the lands for the Rosebud Indians—to the Committee on Indian Affairs.

Also, petition of New Jersey State Horticultural Society, for continuance of minimum duty on green and dried apples—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William L. Stewart—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 19, 1907.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

GEORGE GRAY.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution 221.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the House joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware, whose term expired January 14, 1907.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I do not oppose that, but I would like to ask the gentleman if that is the usual modus operandi?

Mr. DALZELL. This is the customary proceeding; yes.

Mr. CLARK of Missouri. For the House to suggest the name of the person?

Mr. DALZELL. By joint resolution; yes. Judge Gray's term expired on the 14th of this month, and the Regents are to meet on next Wednesday for the selection of a successor to Professor Langley, and of course it is desirable that there shall be a full board.

Mr. CLARK of Missouri. That is all right, if that is the way it is usually done.

The SPEAKER. The question is on the adoption of the joint resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

FORT WRIGHT MILITARY RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Fort Wright Military Reservation, if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Spokane and Inland Empire Railroad Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation, so as to prevent all damage to public property or for public uses, shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object——

Mr. PAYNE. Reserving the right to object——

The SPEAKER. Whom does the gentleman recognize?

Mr. JONES of Washington. The gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Does this take any property of the United States?

Mr. JONES of Washington. It allows the Secretary of War, if in his judgment public interests will not be interfered with, to allow the railroad a right of way through the Fort Wright Military Reservation, simply to be used for railroad purposes. I will read just two or three sentences of the report.

Mr. CLARK of Missouri. How much land does this take?

Mr. JONES of Washington. It is only a small strip; only 100 feet wide—not to exceed that.

Mr. CLARK of Missouri. How large?

Mr. JONES of Washington. It runs around a ravine, I suppose probably 30 or 40 rods—not more than that, and possibly not that far.

Mr. PAYNE. In the act passed heretofore generally the right

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to revoke is given to the Secretary of War. I see this bill places it in Congress.

Mr. JONES of Washington. This is an exact copy of a previous act that we passed with reference to the Vancouver Reservation in our State—the only difference being in the name of the company—and which was framed by Secretary Root.

Mr. PAYNE. I did not know the change was made, but formerly the right was to be in the Secretary of War, and I have known some instances where the Secretary revoked the right and required them to remove their tracks because the land occupied was necessary for the use of the Army. Is this bill approved by the Secretary of War?

Mr. JONES of Washington. It is. I will read the letter from the War Department:

The inclosed bill vests authority in the Secretary of War to allow the Spokane and Inland Empire Railroad Company to cross the Fort Wright Military Reservation if, in his judgment, it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States. The inclosed bill vests sufficient authority in the Department to fully protect public interests, including the power to locate the right of way, to fix the compensation therefor, and to prescribe such regulations as it may deem proper for the operation of said railroad within the limits of the military reservation. It is therefore recommended that the committee be advised that the Department favors the passage of the bill.

That is signed by George B. Davis, the Judge-Advocate-General. The bill was framed exactly in line with the previous bill, two or three years ago, that was framed by Secretary Root.

Mr. PAYNE. I do not see any reason for departing from the old practice of leaving it with the Secretary of War, and not to come back to Congress to revoke it, if necessary, in the future; but I shall not object to it.

Mr. CLARK of Missouri. I want to ask the gentleman another question: Is this piece of land being granted close to any settlement, waterfall, hot springs, minerals, or anything else that is valuable?

Mr. JONES of Washington. No; not at all; but it will be of great benefit to the Government, as it has to haul its supplies 3 or 4 miles around this ravine This is an electric railroad and will connect the reservation with the city of Spokane.

Mr. CLARK of Missouri. How close is it to Spokane?

Mr. JONES of Washington. The houses in town run pretty near to the river. This is on the other side of the river. There is a ravine of 150 or 200 feet between that and the city, and they have to go 3 or 4 miles around. So, as a matter of fact, the building of this road will be of very great benefit to the United States.

Mr. MADDEN. Will it stop anybody else from building a railroad along that ravine?

Mr. JONES of Washington. Not at all.

Mr. MADDEN. Is there any map showing the country where this ravine is?

Mr. JONES of Washington. The map was submitted to the Secretary of War.

Mr. MADDEN. I would like to have this matter postponed until I can look over the bill more carefully.

Mr. JONES of Washington. The committee's report is unanimous. No other road could run through there without the consent of Congress.

Mr. MADDEN. But no other road could go through there with the consent of Congress if this road occupies all the space there is.

Mr. JONES of Washington. Another road could run through there. This only gives them 100 feet.

Mr. MADDEN. But if you go along a mountain side——

Mr. JONES of Washington. This is not a mountain. There is a slope of three or four hundred feet. It is plenty wide enough for another railroad, if there was one to be built there.

Mr. MADDEN. How far does the valley run?

Mr. JONES of Washington. It runs down to the river's edge.

Mr. MADDEN. How much of a level place is there at the bottom?

Mr. JONES of Washington. This does not go on to any of the level space. This does not go to the bottom at all.

Mr. MADDEN. Where does it go?

Mr. JONES of Washington. It goes along the margin of the hill about 50 feet below the top of the plateau. They would not let it go to the bottom, as it would injure the fort.

Mr. MADDEN. How high is the plateau?

Mr. JONES of Washington. About 150 or 200 feet perpendicularly.

Mr. MADDEN. How far is the road away from the river?

Mr. JONES of Washington. Well the slope I suppose would be 300 or 400 feet, and it is 50 feet from the top, leaving it about 200 or 250 feet from the bottom.

Mr. MADDEN. Would that leave room for another road to run between that and the river if there was one projected?

Mr. JONES of Washington. I do not suppose there would be any run; but if so, there will be plenty of room without interfering with that.

Mr. OLMSTED. I will ask the gentleman if I understand that the Government is to lay out this road?

Mr. JONES of Washington. The Secretary of War is to determine whether the road can be laid out so as not to injure the Government property. The expense is to be borne by the company.

Mr. OLMSTED. And the expense of all that is to be borne by the railroad company?

Mr. JONES of Washington. Certainly.

The SPEAKER. Is there objection? [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. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7676. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes;

S. 7214. An act respecting proceedings in the courts of the United States in the western district of the State of Missouri;

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia;'"

S. 7042. An act to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia;

S. 7028. An act for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.;

S. 6470. An act in relation to the Washington Market Company;

S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society; and

S. 2652. An act for the extension of Vermont avenue from Florida avenue to Howard University.

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

H. R. 3393. An act granting an honorable discharge to Galen E. Green; and

H. R. 23556. An act prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7676. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes—to the Committee on Patents.

S. 7214. An act respecting proceedings in the courts of the United States in the western district of the State of Missouri—to the Committee on the Judiciary.

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia'"—to the Committee on the District of Columbia.

S. 7042. An act to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

S. 7028. An act for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.—to the Committee on the District of Columbia.

S. 6470. An act in relation to the Washington Market Company—to the Committee on the District of Columbia.

S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of

the North Dakota State Historical Society—to the Committee on the Public Lands.

S. 2652. An act for the extension of Vermont avenue from Florida avenue to Howard University—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER, 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:

H. R. 121. An act authorizing the extension of Seventeenth street NW.;

H. R. 8435. An act for the opening of Eessenden street NW., District of Columbia;

H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia;

H. R. 10843. An act authorizing the extension of Kenyon street NW.;

H. R. 14900. An act to extend Fourth street NE.;

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia; and

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16169. An act granting a pension to Neal O'Donnel Parks;

H. R. 19462. An act granting an increase of pension to Emily Fox;

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox;

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan;

H. R. 8631. An act for the relief of James M. Darling; and

H. R. 3357. An act granting an honorable discharge to James B. Mulford.

DAM ACROSS FLINT RIVER.

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals.

The bill was read, as follows:

Be it enacted, etc., That the Albany Power and Manufacturing Company, a corporation organized under the laws of Georgia, its successors and assigns, is hereby authorized to construct and maintain a dam across the Flint River at a point in Dougherty County, Ga., about one-fourth mile above the Georgia Northern Railway bridge across said river, upon or in the vicinity of Porter Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object——

Mr. MANN. This bill is in the regular form.

Mr. PAYNE. I know it is, but I want to inquire whether the Government has done anything toward the improvement of the navigation of this river in the locality mentioned in this bill?

Mr. GRIGGS. Not at this point.

Mr. PAYNE. I remember we passed a bill some time ago where they had done so and we got into trouble about it.

Mr. MANN. I want to say to the gentleman from New York that even if they had, this matter is left under the control of the War Department under the general dam bill.

The SPEAKER. The Chair hears no objection.

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

On motion of Mr. GRIGGS, a motion to reconsider the last vote was laid on the table.

SUBPORT OF BELLINGHAM, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23114) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Bellingham, in the State of Washington.

Mr. CLARK of Missouri. Mr. Speaker, is this bill reported from the Ways and Means Committee?

Mr. HUMPHREY of Washington. Unanimously reported.

The SPEAKER. Is there objection?

There was no objection.

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

On motion of Mr. HUMPHREY of Washington, a motion to reconsider the last vote was laid on the table.

PHELPS COUNTY, MO.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24104) transferring Phelps County to the eastern division of the eastern judicial district of Missouri.

The bill was read, as follows:

Be it enacted, etc., That the county of Phelps, in the State of Missouri, be detached from the western judicial district and attached to the eastern judicial district of the State of Missouri: *Provided*, That the courts of the western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun at the date of the taking effect of this act, and of all criminal offenses committed in said county prior to the date this act goes into effect, the prosecution of which has not been begun, as completely as if this act were not passed.

SEC. 2. That all attorneys at law in said county of Phelps who have been admitted to practice and enrolled in the western judicial district be, and hereby are, admitted to practice in and sign the roll of attorneys in the eastern judicial district of said State of Missouri.

SEC. 3. That this act shall take effect on and from the date of its passage.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURPHY. There is an amendment.

The Clerk reported the following committee amendment:

Strike out sections 2 and 3.

The amendment was agreed to.

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

LICENSED OFFICERS OF VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6898) concerning licensed officers of vessels.

The bill was read, as follows:

Be it enacted, etc., That section 4438 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer in charge of a watch, or pilot of any steamer or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Ohio whether this requires licenses for yachts and other pleasure crafts?

Mr. GROSVENOR. It has nothing to do with that subject. It only relates to steam vessels, to sailing vessels of over 700 gross tons, and other vessels of over 100 gross tons carrying passengers for hire. The bill unanimously passed both branches of Congress in the last session. It went to the President, but in the hurry of adjournment was not signed, by oversight. It has now passed the Senate unanimously and is unanimously reported from the Committee on the Merchant Marine and Fisheries of the House.

Mr. FITZGERALD. Will the gentleman state what change the bill makes in the law?

Mr. GROSVENOR. It adds to the power of the local inspecting boards to make second mates capable of taking a place on watch; nothing more than that.

The SPEAKER. Is there objection?

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. GROSVENOR, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of commissioners of Lake County, Ind., be, and they are hereby, authorized to construct, maintain, and operate a public bridge and approaches thereto across the Calumet River at the intersection of Columbia avenue, a public street in the city of Hammond, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

OBSOLETE CANNON FOR UNIVERSITY OF IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4423) providing for the donation of obsolete cannon with their carriages and equipments to the University of Idaho.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to turn over to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and he is hereby, authorized to deliver to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university: *Provided*, That no expense shall be incurred by the United States in the delivery of said cannon."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

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

A corresponding House bill (H. R. 15437) was laid on the table.

CONDEMNED CANNON FOR PRESTON, IOWA.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 195, authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to deliver to the mayor of the town of Preston, Jackson County, Iowa, if the same can be done without detriment to the public service, two bronze or brass condemned cannon now at the Rock Island Arsenal, Rock Island, Ill., the same to be used and mounted in the public park in said town of Preston: *Provided*, That the Government shall be at no expense in connection with this gift.

The following amendment recommended by the committee was read:

After the word "to," at the end of line 3, insert the words "loan and."

Strike out all after the word "Preston," in line 9, and insert in lieu thereof—

"and to be taken care of by said city and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the cannon."

Mr. SLAYDEN. Mr. Speaker, I am not quite sure that I caught the reading of the amendment correctly. Does the bill provide for an outright gift or merely that the cannon shall be loaned?

Mr. DAWSON. The bill provides for the loan of the cannon and not a gift. The amendment was to meet the regular form of your committee.

Mr. SLAYDEN. It is not the policy of the Government to give away brass or bronze cannon.

The SPEAKER. The Chair hears no objection.

The amendment was agreed to.

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

On motion of Mr. DAWSON, a motion to reconsider the last vote was laid on the table.

FRANCISCO KREBS.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5531) for the relief of Francisco Krebs.

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs be, and he is hereby, confirmed in his title to a tract of land known as Round Island, in the State of Mississippi, situated in sections 33 and 34, township 8 south, range 6 west, and sections 3 and 4, townhsip 9 south, range 6 west, granted by the Spanish governor, Grimarest, to Francisco Krebs on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala.: *Provided*, That nothing in this act contained shall affect the claim or claims of any other person or persons to the said land, or any part thereof, derived from the United States or any source whatever: *Provided further*, That the site comprising 400 feet square upon which the light-house is now situated shall be excepted from this confirmation.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask if this is on the Private Calendar?

Mr. BOWERS. It is.

The SPEAKER. The Chair is informed by the Clerk that it is on the Private Calendar.

Mr. PAYNE. I object.

EXCEPTING LANDS FROM FOREST RESERVE.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

The bill was read, as follows:

Be it enacted, etc., That the following described townships in the Black Hills Forest Reserve, in Pennington County, S. Dak., to wit: Townships 1 north, 1 east; 2 north, 1 east; 1 north, 2 east; 2 north, 2 east; 1 south, 1 east; 2 south, 1 east; 1 south, 2 east; and 2 south, 2 east, Black Hills meridian, are hereby excepted from the operation of the provisions of section 4 of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906. The lands within the said townships to remain subject to all other provisions of said act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have an explanation of this bill. I understand it is making an exception of something insisted upon by Congress a short time ago.

Mr. MARTIN. It is not to make an exception of anything insisted upon by Congress at any time. The bill is this: In June, 1906, Congress passed an act permitting settlement upon agricultural lands in forest reserves in the country. At that time I asked that two counties in the Black Hill Forest Reservation in South Dakota, in one of which I live, the counties of Lawrence and Pennington, be excepted from the general operation of the act so far as it would permit the making of new settlements, but giving settlers up to that time an opportunity to complete their titles. I asked this for the purpose of careful investigation as to whether there were any further agricultural lands that could properly be settled upon. That investigation shows that there are two tiers of townships on the west side of Pennington County, agricultural in their character, and containing a considerable amount of land that would make good homes for new settlers. The purpose is to permit these two townships to be settled upon by new settlers the same as was adopted by Congress at the last session to be the general policy pertaining to agricultural lands in forest reserves.

Mr. MANN. The gentleman says that this is in his home county?

Mr. MARTIN. It adjoins the county in which I live.

Mr. MANN. The home county in which the gentleman lives is not covered by this provision, but still remains excepted from the general statute?

Mr. MARTIN. Yes; and the reason of that——

Mr. MANN. Oh, I have no doubt there is a good reason. I want simply to ask another question. I understood when the exception was made from the general statute when the act was passed that it was made because there was some conflict up there between people who wanted to settle on the lands for agricultural purposes and the miners who wished to have either the use of the timber on the land or to have the use of the mines under the land at that time, and that that was the reason the exception was made. I wish to ask the gentleman whether he has gone all over that subject and is now satisfied that the agricultural interests ought to be taken care of, and also, if they be, whether there will be any injury to the mining interests?

Mr. MARTIN. I have been satisfied all the time that all of the lands within the forest reserves that are agricultural in character and not mineral should be opened to agricultural settlement, in order that homesteaders may have additional opportunity to make homes, and, as a rule, the agricultural lands in forest reserves are the best unappropriated public lands at the present time for home building, because within the forest reserves there are large areas of land well watered because of their proximity to growing vegetation. The reason I suggested the exception of those two counties out of the general policy was that the county in which I live is largely a gold-mining county. Some gold mines have been prospected and found in Pennington County, the county to the south, and as I desired also the further opportunity to look into the question as to whether there was any agricultural land in the county that

could be taken; and the result of that inquiry is that I am entirely satisfied that these two west tiers of townships in Pennington County are agricultural in character, and that many good homes could be made there without any detriment to any public interest. I therefore have now simply asked the exception of those townships from the reservation which was made at my request, and the making of those townships to apply to the general law which we passed at the last session.

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman if this is rather in the nature of a private bill.

Mr. MARTIN. It is not in any sense.

Mr. WILLIAMS. It is to except two certain townships from the operation of the general law, is it not?

Mr. MARTIN. No, sir; it is to restore two certain townships to the operation of the general law.

Mr. WILLIAMS. I understand there is a general law setting aside a certain territory for forest reserves.

Mr. MARTIN. Yes.

Mr. WILLIAMS. And this is to except these two townships that were included in that law from its operation.

Mr. MARTIN. No; these two townships were not included in the law, and this is to permit them to be included in the law.

Mr. WILLIAMS. This is to put them in the forest reserves?

Mr. MARTIN. They are within the forest reserves, but that general law permitted agricultural settlement within two forest reserves; but these two townships were excepted at that time from the general law, and this makes them subject to the general law.

Mr. WILLIAMS. I understand, but you got a bill through putting certain territory in a forest reserve, and that included these two townships, did it not?

Mr. MARTIN. No; the gentleman misunderstands the situation. The forest reserves were already established, and that bill of June 11, 1906, provided generally for all of the forest reserves of the United States that agricultural settlement might be made within those reserves wherever there were agricultural lands suitable for that purpose. Two counties in this particular reservation, the Black Hills Forest Reserve, were excepted at that time from the operation of that statute. This bill at this time extends the operation of that general law to these two tiers of townships in one of those counties.

The SPEAKER. The Chair hears no objection.

The question is on the engrossment and third reading of the bill.

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

On motion of Mr. MARTIN, a motion to reconsider the last vote was laid on the table.

REGULATING INTERSTATE COMMERCE IN CERTAIN CASES.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary I ask unanimous consent for a reprint of House Report No. 2337, made in the Fifty-eighth Congress.

The SPEAKER. The gentleman from Alabama asks unanimous consent for a reprint of a report, which the Clerk will report.

Mr. CLAYTON. It relates to interstate traffic in alcoholic liquor.

The Clerk read as follows:

Report No. 2337.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, in any event the form of the gentleman's request is not correct. I have no objection if he ask unanimous consent that the report be printed as a document of the Fifty-ninth Congress.

Mr. CLAYTON. I have no objection to that modification of the request.

Mr. MANN. We can not reprint a report of the Fifty-eighth Congress.

Mr. CLAYTON. I say I have no objection to a modification of the request as suggested by the gentleman from Illinois.

The SPEAKER. The gentleman from Alabama modifies his request and asks that the report be printed as a document.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman from Alabama whether this is a report on one of the bills on which a great many hearings were had?

Mr. CLAYTON. Yes, sir; it was on what was known in the Fifty-eighth Congress as the "Hepburn-Dolliver bill."

Mr. SHERLEY. As I recall, there were hearings had and printed by order of the committee, and they have long since been exhausted, which contained the arguments against the bill as well as for it, and I would like for the gentleman to couple with his request a reprint of those, as I have many requests for them.

Mr. CLAYTON. I should like to do that, but I am acting under direction of the committee, and the direction of the committee was not as comprehensive as the gentleman from Kentucky indicates.

Mr. SHERLEY. Well, I make the request, and coupled with the request made by the gentleman from Alabama, I ask that unanimous consent be given that there be printed with the report the special hearings which were had on the subject-matter of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 23383.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906.

Be it enacted, etc., That the said city of St. Louis shall have authority to construct said bridge mentioned in said act across the Mississippi River, under and subject to the limitations and restrictions mentioned in said act, if the actual construction of the bridge therein authorized shall be commenced within one year from the approval of this act and completed within three years from same date.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the word "said."

In line 4, before the word "bridge," strike out the word "said" and insert the word "the."

In lines 4 and 5 strike out the words "said act across the Mississippi River" and insert in lieu thereof the following:

"The act entitled 'An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River,' approved June 25, 1906."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

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

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the House proceed now to consider bills on the Private Calendar, such as were in order yesterday; that in considering these bills they be considered in the House as in Committee of the Whole; that the title of the bill be read, and those that are not objected to be acted upon immediately, and this order include only those to which there is no objection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask whether that means the House is to go over the bills which were gone over yesterday in the Committee of the Whole?

Mr. PAYNE. I do not understand the gentleman's suggestion.

Mr. MANN. The gentleman's request is to take up bills on the Private Calendar. A number of them were objected to yesterday in the Committee of the Whole. Does the gentleman propose to have those gone over again?

The SPEAKER. Let the Chair state the request so the House may understand it. The Chair understands the gentleman from New York to ask unanimous consent that bills now on the Private Calendar, which were in order yesterday, shall be considered in the House as in Committee of the Whole House; that is, bills to which there is no objection. The Chair will state it again. The gentleman from New York asks unanimous consent that bills on the Private Calendar to which there is no objection——

Mr. WILLIAMS. Shall be in order to-day as of yesterday?

The SPEAKER. That the chairman of the committee report said bills to the House as in Committee of the Whole, and they shall be in order for consideration. In other words, as the Chair understands the proposition of the gentleman from New York, it enables the House in the House as in Committee of the Whole House to consider bills on the Private Calendar which were in order yesterday to which there is no objection by any Member in the House. Is that correct?

Mr. PAYNE. That is correct. I want to say to the gentleman from Illinois [Mr. MANN] in answer to his suggestion that there were some bills yesterday that were objected to on their merits and some were objected to when there was no merit in the objection, except perhaps a little—I will not say what. There was no merit in the objection.

Mr. MANN. Whatever objections I made yesterday were

based upon merit. I would not charge any Member of the House as being so discourteous as to object without reason.

Mr. PAYNE. I think the only way to get along with it is to go over them in the regular order. I would say this: That I objected to two myself, and I objected because I did not believe in the merits of the bill and I should renew the objection to those bills to-day, but my object was to take the unobjected bills on the Private Calendar that were in order yesterday and get through with them to-day and pass them through the House.

Mr. MANN. If the request is to take up bills on the Private Calendar, and where no objection is made to consider those bills to the final passage, I shall make no objection; that is, if it does not include the taking of the time of the House on the bills which are objected to.

Mr. PAYNE. Then, Mr. Speaker, I will modify it to satisfy the gentleman from Illinois, not to include any bill objected to in the Committee of the Whole yesterday.

Mr. MANN. I do not mean that. I have not any objection to taking all the bills up.

Mr. PAYNE. Has the gentleman no objection to the statement I made in the first place?

Mr. MANN. I have no objection to it.

Mr. PAYNE. Very well, I will not modify it.

Mr. JOHNSON. I want to ask the gentleman a question. Is it contemplated that when we get through with the Calendar, calling up bills that there is no objection to, that we will go back to the beginning?

Mr. PAYNE. It does not, because there is evidently not time.

Mr. SLAYDEN. It will take no new bills from the Calendar?

Mr. PAYNE. No.

Mr. SHACKLEFORD rose.

The SPEAKER. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Missouri [Mr. SHACKLEFORD]?

Mr. PAYNE. Certainly.

Mr. SHACKLEFORD. We propose to commence at the beginning of the Private Calendar and take them in their order?

Mr. PAYNE. That was my proposition; yes.

Mr. SHACKLEFORD. Mr. Speaker, I object to the arrangement that is proposed. I insist on taking the Private Calendar in its order. I will say to the gentleman that under the method which he proposes any one Member of this House can sit here in judgment upon all of these bills. He can say that certain bills shall pass and certain bills shall not.

Mr. PAYNE. The gentleman will see that it means the same thing as unanimous consent. That is all there is of it, and my object is to get unanimous consent on each one of these bills or an objection from any Member of the House. A great deal of legislation is passed in this way, and the gentleman ought not, if he is interested in any bill, throw any stumbling block in the way of this order.

Mr. SHACKLEFORD. The objection I have to it is this, that the gentleman confesses now that on yesterday these bills were objected to without any reason in the world. They sit here and impede legislation.

Mr. PAYNE. We go over those same bills again, and I trust the gentleman will not object to them to-day for the reason that they did yesterday.

Mr. SHACKLEFORD. Some other Member will take the same method of objecting to those bills. Let us take the Calendar in its order.

Mr. PAYNE. Mr. Speaker, I submit the proposition.

Mr. SHACKLEFORD. Mr. Speaker, I will withdraw my objection now, but——

Mr. MANN. The gentleman will make his objection now or not at all.

The SPEAKER. The question is that the bills in order shall be considered in the House as in the Committee of the Whole House, by unanimous consent. Is there objection?

There was no objection.

NEW YORK CUSTOMS INSPECTORS.

The first business was the bill (H. R. 17957) for the relief of certain customs inspectors of the port of New York.

Mr. PAYNE. Mr. Speaker, that bill has been provided for in the deficiency bill. I object to it, and I ask now that the bill be laid upon the table.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to lay the bill on the table. Is there objection?

There was no objection.

ELI PETTIJOHN.

The next business reported from the Private Calendar was H. Res. 406, resolution (in lieu of H. R. 10553) referring to Court of Claims the claim of Eli Pettijohn.

Mr. MANN. On yesterday, Mr. Speaker, I made the point of order upon that bill, and it was to be referred to the Committee on War Claims. It ought to have been reported to the House to go to the Committee on War Claims.

The SPEAKER. The Chair is informed that it was not in fact reported to the House; but the point of order can be renewed now if the gentleman sees proper.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

UNIVERSITY OF OKLAHOMA.

The next business on the Private Calendar was the bill (H. R. 17431) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

Mr. MANN. Mr. Speaker, that bill and the next bill—I do not see the gentleman from Oklahoma here—ought to refer to the new State of Oklahoma; and I object.

The SPEAKER. The gentleman objects to this and the next bill. The Clerk will report the next bill.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The next business on the Private Calendar was the bill (H. R. 18134) for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

The SPEAKER. Is there objection?

Mr. MANN. I object. This is one of the bills I objected to for reasons.

DAVISON CHEMICAL COMPANY, BALTIMORE, MD.

The next business on the Private Calendar was the bill (H. R. 8670) for the relief of the Davison Chemical Company, of Baltimore, Md.

Mr. MANN. I make the same objection to that bill.

THOMAS P. MORGAN.

The next business on the Private Calendar was the bill (H. R. 12881) to pay Thomas P. Morgan amount found due to him by Court of Claims.

Mr. MANN. I make the same objection.

J. J. L. PEEL.

The next business on the Private Calendar was the bill (H. R. 1808) for the relief of J. J. L. Peel.

The bill was read, as follows:

A bill (H. R. 1808) for the relief of J. J. L. Peel.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to J. J. L. Peel, of Spokane, Wash., the sum of $1,041.76, being the amount advanced by him for necessary clerk hire and expenses while acting as postmaster at Spokane, Wash.

The SPEAKER. Is there objection? [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.

DEPOSIT SAVINGS ASSOCIATION, OF MOBILE, ALA.

The next business on the Private Calendar was the bill (H. R. 4190) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.

Mr. MANN. I make objection to that bill.

ARTHUR A. UNDERWOOD.

The next business on the Private Calendar was the bill (S. 4350) for the relief of Arthur A. Underwood.

The bill was read, as follows:

A bill (S. 4350) for the relief of Arthur A. Underwood.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur A. Underwood, for expenses incurred en route to and from the national rifle competition, which was held at Sea Girt, N. J., August 24 to September 9, 1905, and while in attendance there, $277.48.

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

In lines 4 and 5 strike out the words "any money in the Treasury not otherwise appropriated" and insert in lieu thereof the words "the allotment of the State of Wyoming under section 1661 of the Revised Statutes."

The amendment recommended by the committee was agreed to.

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

CHARLES D. SOUTHERLIN.

The next business on the Private Calendar was the bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

The bill was read, as follows:

A bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the legal representatives of Charles D. Southerlin, of Greenville, S. C., out of any money in the Treasury not otherwise appropriated, the sum of $537.52, being for services rendered the United States in carrying the mails in 1860 and 1861.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I want to say that I have objected to these bills heretofore, but the House voted almost unanimously in favor of the passage of a bill of that character yesterday, and I do not propose to object to them.

Mr. MANN. I wish to add that I shall not object to any bill along the line of those passed yesterday by the House.

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

W. A. M'LEAN.

The next business on the Private Calendar was the bill (S. 4948) for the relief of W. A. McLean.

The bill was read, as follows:

A bill (S. 4948) for the relief of W. A. McLean.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required, out of any money in the Treasury not otherwise appropriated, to pay to W. A. McLean, of Wilkesboro, N. C., the sum of $117.69, for money due him under a judgment of the United States court for the western district of North Carolina, rendered at November term, 1904, at Wilkesboro, N. C.

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

MILBURN WAGON COMPANY.

The next business on the Private Calendar was the bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio.

The bill was read, as follows:

A bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Milburn Wagon Company, of Toledo, Ohio, out of any money in the Treasury not otherwise appropriated, $1,150, the said sum being the balance of an amount justly due said company for the construction and delivery of 100 Army wagon beds, under a contract for the same entered into between said company and the Quartermaster-General of the Army during the year 1893.

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

In line 11 strike out the words "eighteen hundred and ninety-three" and insert the words "nineteen hundred and three."

The amendment recommended by the committee was agreed to.

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

ABRAM JOHNSON.

The next business on the Private Calendar was the bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah.

The bill was read, as follows:

A bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah.

Be it enacted, etc., That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the reimbursement of Abram Johnson, formerly postmaster at Mount Pleasant, in the State of Utah, for amount expended by him for rent, light, and fuel, from January 1 to July 1, 1901, $73.50.

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

BENJAMIN F. PETTIT.

The next business on the Private Calendar was the bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit.

The bill was read, as follows:

A bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the legal representatives of Benjamin F. Pettit, of Spartanburg, S. C., out of any money in the Treasury not otherwise appropriated, the sum of $146.97, being for services rendered the United States in carrying the mails in 1860 and 1861.

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

JOHN H. POTTER.

The next business on the Private Calendar was the bill (S. 3574) for the relief of John H. Potter.

Mr. MANN. Mr. Speaker, I object to that bill.

HENRY O. BASSETT.

The next business on the Private Calendar was the bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

The bill was read, as follows:

A bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry O. Bassett, sole surviving heir of Henry Opeman Bassett, deceased, the sum of $142.59.

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

MARY V. SHAW.

The next business was the bill (H. R. 7548) for the relief of Mary V. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary V. Shaw, widow of Hon. W. Irvin Shaw, late consul-general to Singapore, Straits Settlements, India, the sum of $3,000, a sum representing one year's salary, and an allowance of $300 additional to defray the cost of the funeral expenses of the said Hon. W. Irvin Shaw, who died while in the service.

The following amendments recommended by the Committee on Claims were read:

In line 7 strike out the words "three thousand" and insert the words "one thousand five hundred."

In line 8 strike out the words "one year's" and insert the words "six months'."

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman in charge of the bill——

Mr. GRAHAM. I can state the facts about the bill.

Mr. MANN. No; I do not want to ask you. I want to ask the gentleman from Kansas [Mr. MILLER] whether it is the policy of the House to pay six months' salary to the widow of a consul who dies in the service—whether that is the established policy?

Mr. MILLER. That is not the established policy, and this is an exceptional case, and the only case of the kind that has been reported by the Committee on Claims, and probably the only case of the kind that will be reported.

Mr. GRAHAM. There was one exception, a bill of similar character, that passed in the last Congress.

Mr. MILLER. This is the only one that I remember the Committee on Claims having before it. The statement of the gentleman no doubt is correct; but that is not the policy of the committee, and there is a determination on the part of a good many members of the committee not to go any further in this direction.

Mr. MANN. This is a matter which requires consideration. I have read the facts in this case, and I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

C. W. STURTEVANT ET AL.

The next business was the bill (H. R. 639) for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. W. Sturtevant, $213.50; to Rolla Brown, $17.25; to Alice Brown, $72.75; to M. L. Kelly, $44; to Robert G. Duffy, $6.75; to Fread Gehring, $9.65; to T. H. Ross, $246; to L. C. Partee, $45.50, as a reimbursement to the aforesaid Sturtevant, Rolla Brown, Alice Brown, Kelly, Duffy, Gehring, Ross, and Partee for the loss of personal property sustained by them while in the service of the United States and acting as the crew of the steamer Wynoka, belonging to the Mississippi River Commission, the aforesaid steamer having been destroyed by fire on the night of October 15, 1901, through no negligence or fault of the above-named employees. The above-named appropriation shall be in full for all claims against the United States Government.

Mr. GARRETT. Mr. Speaker, I shall not object to the consideration of the bill, but I desire to state that I opposed it in the committee, and I shall vote against it now.

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

JOHN M. BURKS.

The next business was the bill (S. 1344) for the relief of John M. Burks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Burks, of Lincoln, Nebr., the sum of $50, for fine unlawfully collected from him; and to make said payment there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $50.

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

GEORGE T. PETTENGILL.

The next business was the bill (S. 1933) for the relief of George T. Pettengill, lieutenant, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers in settling and adjusting the accounts of George T. Pettengill, lieutenant, United States Navy, are hereby directed to credit said George T. Pettengill with the sum of $748, which amount of Government funds he intrusted to George Head, a mail orderly on the U. S. S. Newark, while that vessel was at Kure, Japan, August 7, 1900, for the purpose of sending an official telegram for Admiral Kempff, United States Navy, senior squadron commander, Asiatic Squadron, with which money the orderly absconded.

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

F. S. BOWKER.

The next business was the joint resolution H. Res. 427; which was read, as follows:

Resolved, That the bill (H. R. 15810) entitled "A bill for the relief of F. S. Bowker, managing owner of the schooner William H. Davenport and agent for the owners of said schooner and for the owners of the cargo of lumber on board said schooner on October 2, 1899," now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the House of Representatives their findings of fact and law.

The following amendment, recommended by the Committee on Claims, was read:

In line 8 strike out all after the word "claims" and insert in lieu thereof "with jurisdiction to hear and determine the same to judgment."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask why the committee struck out the provision referring the case to the Court of Claims for a finding of facts and law and inserting instead thereof jurisdiction to render a judgment? I should have no objection to the original resolution, and if that is allowed to go through as originally drawn without the amendment, I will not object to it.

Mr. LITTLEFIELD. As far as I am concerned—and I drew the original resolution to which the committee made the amendment—I should be satisfied to have it disagreed to.

Mr. PAYNE. I ask that the resolution be passed without the amendment.

Mr. MILLER. I will accept that on the part of the committee, Mr. Speaker.

The question was taken; and the amendment was disagreed to.

The resolution was agreed to.

NYE & SCHNEIDER COMPANY.

The next business on the Private Calendar was the bill (H. R. 10595) for the relief of Nye & Schneider Company.

The bill was read, as follows:

Be it enacted, etc., That the sum of $61.13 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying to Nye & Schneider Company, of Fremont, Nebr., the said sum of money, being an unpaid balance on bill rendered for fuel furnished the United States Government by that company during the years 1893 and 1894 for the purpose of heating the post-office building at Hastings, Nebr., which said amount has remained unpaid by reason of the appropriation for such purpose having been exhausted.

Mr. PAYNE. Mr. Speaker, I think I shall have to object to that bill.

Mr. McCARTHY. Mr. Speaker, I would like to ask the gentleman what his reasons are for objecting to the bill?

Mr. PAYNE. Because postmasters are allowed so much for rent, for heat, and fuel and light throughout the country. I have often had cases where the postmaster said that was not sufficient, and he had to pay part of it out of his salary. I do not know why we should make an exception in this case. If we do we shall have thousands of such cases, and I think it is a bad precedent to establish.

Mr. McCARTHY. Mr. Speaker, the facts in this case are as follows: The Nye & Schneider Company furnished coal which was necessary to heat the post-office building in Hastings, Nebr. The weather was such that they had to have the coal. Two Postmasters-General have recommended the passage of this bill. It has once passed the Senate, and it is full of merit. It is ten or twelve years old, and the people have waited all this time for their money, and there is no reason why it should not have been paid long ago.

Mr. PAYNE. Mr. Speaker, I see in the report of the Postmaster-General that he says the bill would have been paid if there had been an appropriation. I withdraw the objection.

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

CLAIM OF THE MITSUI BUSSAN KAISHA.

The next business on the Private Calendar was the bill (H. R. 9289) for the relief of the Mitsui Bussan Kaisha.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $600 be, and is hereby, appropriated to the Mitsui Bussan Kaisha for damages to their steamer Hikosan Maru, caused by collision with a coal hulk owned by the United States Quartermaster's Department on July 31, 1902; and that the further sum of $948.27 be, and is hereby, appropriated to the Mitsui Bussan Kaisha for damages to their chartered steamer Shirley, caused by collision with a coal hulk owned by the United States Quartermaster's Department in Manila Bay on March 23, 1902, making altogether the sum of $1,548.27.

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to ask the gentleman whether the amount appropriated in the bill contains the amount for demurrage which was rejected by the War Department? I am unable to figure it out myself.

Mr. MILLER. I did not prepare the report and I have not the report with me.

Mr. MANN. I will be very glad to submit to the gentleman a report in the case. This was damage caused by two collisions, and the damage was allowed by the War Department, but the claim for demurrage was rejected. I can not tell whether the claim for demurrage is included in the total amount here or not.

Mr. MILLER. I will say to the gentleman from Illinois that I think it is not, but I am not sure about it.

Mr. MANN. I ask to have the bill laid aside temporarily.

The bill was laid aside without prejudice.

CLAIMS AGAINST THE GOVERNMENT UNDER THE NAVY DEPARTMENT.

The next business on the Private Calendar was the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claims arising under the Navy Department hereinafter stated, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of the respective claims, namely:

To reimburse Passed Asst. Paymaster Henry de F. Mel the amount paid by him for an ash lighter lost while in the service of the Government and checked against his accounts, $30.

To reimburse the American consul-general at Rio de Janeiro, Brazil, the amount expended by him in assisting a supposed deserter from the Navy to return to the United States for the purpose of surrendering to the naval authorities, $32.63.

To pay for services rendered and for expenses incurred by Dowdall, Hanson & McNeill, of Shanghai, China, in connection with proceedings in admiralty in the collision cases of the U. S. naval collier Saturn against the British ship Newchwang and the U. S. S. Wilmington against the British tug Rocket, $2,015.45.

To pay to Wontner & Sons, of London, England, expenses incurred and for services rendered in connection with the appeal to the privy council at London in the collision case of the Saturn against the Newchwang, $471.60.

To pay the costs of the defendant in the suit of the Saturn against the Newchwang, $432.08.

To pay to William Gresham the value of a dory wrecked in a collision with a ferry launch at the navy-yard, Portsmouth, N. H., $12.

To compensate George A. Strong for injuries to his landing stage and boats at the western end of Fox Island Thoroughfare by the passing of a torpedo boat at high speed, $50.

To pay to the owner of the schooner yacht Clytie the actual expense of repairing damages sustained in a collision with the U. S. S. Winslow, $1,894.20.

To compensate the New York and New Jersey Transportation Company for detention to the boat Shamrock while repairing damages sustained in a collision with the U. S. naval collier Leonidas, $65.

To reimburse Rittenhouse Moore for time lost in executing his contract with the War Department for dredging in the Potomac River, on account of practice firing at Indian Head proving ground, $400.50.

To reimburse Paymaster Dexter Tiffany, jr., the amount paid for injuries to a pilot boat by the tug Rapido in a collision with the steamer Union, $46.40.

To pay to the Panama Railroad Company the cost of making good the damage to two pontoons, $949.74.

To reimburse the owner of the schooner yacht Crusader the actual cost of repairs necessitated by a collision with a naval ferry launch in Newport Harbor, $36.86.

To pay the value of a yawl belonging to the schooner General Levi Harris, destroyed in a collision with a naval ferry launch at the navy-yard, Norfolk, Va., $30.

To reimburse Walter C. Strang the actual cost of repairs to his launch Cupid, made necessary by being damaged by a stern wave from the U. S. S. O'Brien, $42.50.

To pay to Cornelius B. Smith the cost of repairs to his wharf and boat which were damaged by a stern wave from the U. S. S. Decatur, $26.

To allow in the accounts of Pay Director Eustace B. Rogers, while fleet paymaster of the Asiatic Fleet, the amount paid for repairs to the French naval vessels Surprise and Montcalm, which were damaged in a collision with the U. S. naval collier Ajax, $1,570.17.

To pay to J. M. T. Finney, M. D., for professional services rendered in operating upon Midshipman Charles C. Gill, $500.

To pay to Lewis Luckenbach the cost of repairs to his barge Independent, necessitated by a collision with the U. S. naval collier Hannibal, $126.60.

To reimburse the French Telegraph Cable Company the cost of repairs to their cable at Puerto Plata, damaged by the U. S. S. Detroit, $2,845.21.

To pay to the Pacific Coast Steamship Company the cost of repairs to their steamer Montara, necessitated by a collision with the U. S. naval tug Active, $104.20.

To pay the Brooklyn Ferry Company, of New York, the damage sustained in a collision between their ferryboat America and the U. S. S. Winslow, $1,451.41.

To pay the cost of repairs to the steamer Choy Sang, owned by Jardine, Matheson & Co., of Shanghai, China, necessitated by a collision with the U. S. S. Helena, $2,203.85.

To reimburse the owner of the bark Nostra Signora delle Gracie the cost of repairs to said bark due to a collision with the U. S. S. Abarenda, $213.92.

To pay the owner of the tug Henry D. McCord one-half of the damage sustained in a collision with the U. S. naval tug Apache, $1,688.25.

To pay the cost of repairs to the steamship Min, due to a collision in the harbor of Chefoo with the U. S. S. Bainbridge, $107.63.

To pay the cost of repairs to the steamship Mathilda, made necessary by a collision with the U. S. naval collier Justin, at Shanghai, China, $96.63.

To reimburse the Old Dominion Steamship Company one-half of the cost of repairs to the steamer Accomack, necessitated by a collision with the United States naval tug Alice, $55.83.

To pay the cost of repairs to the steamer Constance, of the California Transportation Company, made necessary by a collision with the United States naval tug Vigilant, $56.07.

To pay damage due to a collision between the United States steamer Olympia and the schooner Elizabeth, $1,484.90.

To pay for services rendered by architect in connection with barracks building at the Naval Training Station, Newport, R. I., $436.18.

To pay the owners of the schooner Flirt cost of cable damaged by the United States ship Macdonough on November 14, 1905, the sum of $47.50.

To pay Edward Simmons one-half of the cost of repairs of damages to his steam tug William Alexander, caused by collision with the United States ship Miantonomah on October 9, 1893, the sum of $108.50.

To pay the contractor for dry dock No. 4, navy-yard, New York, the cost of repairs of damages to cable tower on said dry dock, caused by collision with the United States ship Dolphin on August 1, 1905, the sum of $922.

The following amendments recommended by the committee were read:

First. By numbering the items in said bill from (1) to (31), inclusive.

Second. By adding, after line 22, on page 6, the following:

"(32) To pay the owners of the schooner Flirt cost of cable damaged by the U. S. S. Macdonough on November 14, 1905, $47.50.

"(33) To pay Edward Simmons one-half the cost of repairs of damages to his steam tug William Alexander caused by collision with the U. S. S. Miantonomah on October 9, 1893, $108.50.

"(34) To pay the contractor for dry dock No. 4, navy-yard, New York, the cost of repairs of damages to cable tower on said dry dock caused by collision with the U. S. S. Dolphin on August 1, 1905, $922."

The amendments recommended by the committee were agreed to.

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

GEORGE T. LARKIN.

The next business on the Private Calendar was the bill (H. R. 12188) for the relief of George T. Larkin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George T. Larkin, late deputy United States marshal, eastern district of Tennessee, for expenses incurred in his defense for killing in self-defense a citizen of said State while resisting arrest, and in full compensation of all claims on account thereof, $1,976.55.

The following amendment recommended by the committee was read:

In lines 9 and 10 strike out the words "one thousand nine hundred and seventy-six dollars and fifty-five cents" and insert in lieu thereof the words "six hundred and ninety-two dollars and fifty-five cents."

The amendment was agreed to.

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

JOSE RAMOS.

The next business was the bill (H. R. 19641) for the relief of Jose Ramos.

Mr. MANN. Mr. Speaker, I object to that bill.

The bill was ordered to be laid aside without prejudice.

WILLIAM B. TODD.

The next business was the bill (S. 2138) for the relief of the estate of William B. Todd, deceased.

Mr. MANN. Mr. Speaker, that is a bill reported from the Committee on the District of Columbia. Is it not in order for that committee to call it up on District day?

The SPEAKER. I think it will depend upon the nature of the bill.

Mr. MANN. I think, under the rule, they can call up any bill they have reported on District day regardless of what Calendar it is on. They frequently do call up Private Calendar bills. To save time, I object.

The bill was ordered to be laid aside without prejudice.

L. S. WATSON MANUFACTURING COMPANY.

The next business was the bill (S. 2964) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be allowed and paid, out of any money in the Treasury not otherwise appropriated, to the L. S. Watson Manufacturing Company, of Leicester, Mass., the sum of $423.17, being the amount of the fines paid by them on the 5th and 24th of August, 1903, by reason of an undervaluation of certain heddles imported by them, the said undervaluation being due to mistake for which they were not in fault, they having proceeded in the matter under the direction of an official in the Treasury Department, to whom they communicated all the facts, and they having voluntarily and of their own accord brought the fact of the undervaluation to the knowledge of the Department officials and made good the amount of said undervaluation.

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

HANS PETER GUTTORMSEN.

The next business was the House resolution 561.

Mr. MANN. Mr. Speaker, I object to that.

Mr. COOPER of Wisconsin. Will not the gentleman reserve his objection for a time?

Mr. MANN. I shall reserve it.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 13870) entitled "A bill for the relief of Hans Peter Guttormsen," now pending in the House of Representatives, together with all the accompanying papers be, and the same is hereby, referred to the Court of Claims to find the facts and find and determine—

First. Whether the United States was guilty of negligence;

Second. Whether the claimant, Hans Peter Guttormsen, was guilty of contributory negligence;

Third. Whether upon the facts found, the United States, if a private corporation, would be liable to the claimant for damages by reason of his injuries.

Mr. MILLER. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I will say to the gentleman from Illinois [Mr. MANN] that this resolution amounts to this: It is a reference back of a decision already rendered by the Court of Claims, asking that court to explain an ambiguity in its decision. The Committee on Claims was unable to tell whether the Court of Claims intended by its findings of fact to hold that the claimant was guilty of contributory negligence, and therefore has sent the claim back simply to make a new decision on the facts they have already found. This man has already run once the gantlet of this House. The claim has already been referred to the Court of Claims, the Court of Claims has made its findings of fact, and because of an ambiguity in that decision the Committee on Claims seeks to have that ambiguity explained. That is all.

Mr. MANN. Mr. Speaker, I may say to the gentleman that I don't know that I am particular about insisting on the objection. I have no doubt that this case will result in the payment to this man of $5,000, if the resolution goes through. I think there are facts in it already before the House sufficient to act upon. It is one of those cases where, when it is presented to Congress, if the vote is taken it is invariably paid, but the Government constantly takes the position that unless a man is lucky enough to have a Representative in Congress who appears before the committee and presents his particular claim it will not pay damages to him for personal injuries. I do not think it is a fair position for the Government to take. I would just as soon vote to pay this man $5,000 now as to vote to postpone it for two or three years and pay it to him at the end of that time, because that is what it amounts to, whatever the Court of Claims finds.

Mr. COOPER of Wisconsin. Does the gentleman withdraw his objection?

Mr. MANN. I will not make the objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

LOUISE POWERS M'KEE.

The next business was the bill (S. 1218) for the relief of Louise Powers McKee, administratrix.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Louise Powers McKee, administratrix of the estate of James M. McKee, deceased, late clerk of the United States circuit court of appeals for the fifth circuit at New Orleans, La., the sum of $784.55, being the amount erroneously paid into the subtreasury of the United States in his emolument returns December 31, 1892, and December 31, 1893.

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

ROBERT D. BENEDICT.

The next business was the bill (H. R. 1443) for the payment of Robert D. Benedict for services rendered.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Robert D. Benedict, of the Borough of Brooklyn, city of New York, State of New York, out of any money in the Treasury not otherwise appropriated, the sum of $250 in full payment and discharge of the claim of said Robert D. Benedict for legal services rendered by him in a legal proceeding taken by the clerk of the district court of the United States for the southern dis-

trict of New York, for an injunction to prevent said clerk from being deprived of the necessary accommodations for the records of said court.

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

SEYMOUR HOWELL.

The next business was the bill (S. 5675) for the relief of Maj. Seymour Howell, United States Army, retired.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Seymour Howell, from any money in the Treasury not otherwise appropriated, the sum of $2,000, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Manila, P. I., caused by robbery committed in March, 1900, by some person or people unknown while he was in the field paying five regiments of infantry, two troops of cavalry, thirty-eight detachments, and sick men in various hospitals scattered over the island of Luzon.

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

GERMAN M. ROUSE.

The next business was the bill (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to German M. Rouse the sum of $18,500, as informer's fees as informant on certain seizures of opium seized on or about the months of December, 1885, and January, 1886, by the United States authorities as a part of the cargo of the steamer Idaho and at Cassan Bay, Alaska.

With the following amendment:

Line 6 strike out the words "eighteen thousand five hundred" and insert in lieu thereof the words "three thousand."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

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

CHARLES E. DANNER & CO.

The next business on the Private Calendar was the bill (H. R. 8685) for the relief of Charles E. Danner & Co.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles E. Danner, John N. Wallace, and W. Porter Danner, copartners trading under the name of Charles E. Danner & Co., the sum of $720, the amount paid by them for a wholesale dealer's license for the sale of oleomargarine, and the penalty thereon.

The committee amendment was read, as follows:

In line 8 strike out the words "seven hundred and twenty" and insert in lieu thereof the words "two hundred and forty."

The amendment was agreed to.

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

REFUND TO TERRITORY OF HAWAII.

The next business on the Private Calendar was the bill (H. R. 10103) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government.

Mr. MANN. Mr. Speaker, I ask for that to go over.

The SPEAKER. Objection is made.

OSCAR FULGHAM.

The next business on the Private Calendar was the bill (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $434.55 to Oscar Fulgham, ex-sheriff of Madison County, Ala., to reimburse him for judgment and costs rendered against him by the State courts, resulting from his action while he was sheriff of Madison County, Ala., in recovering three mules, at the request of General Coppinger, who was in the command of the Federal troops stationed at Huntsville, Ala., during the winter of 1898 and 1899, which were stolen from the corral at the camp of the troops stationed at Huntsville, Ala., during the winter of 1898 and 1899.

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

A. L. FLACK & CO.

The next business on the Private Calendar was the bill (H. R. 5196) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails.

Mr. PAYNE. Mr. Speaker, reserving the right to object, here is a case where the Government is required to insure the delivery of valuable articles through the mails. That is what this bill amounts to, and I do not think it ought to pass, and therefore I will object.

The SPEAKER. Objection is heard.

HAMILTON D. SOUTH.

The next business on the Private Calendar was the bill (H. R. 1078) for the relief of Hamilton D. South, second lieutenant, United States Marine Corps.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Hamilton D. South, second lieutenant, United States Marine Corps, the sum of $1,200, said sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire of the marine barracks at Pensacola Navy-Yard on the 21st day of December, 1901.

The committee amendment was read, as follows:

In lines 6 and 7 strike out the words "one thousand two hundred dollars" and insert "one thousand one hundred and fifty-seven dollars."

The amendment was agreed to.

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

GEORGE M. ESTERLY.

The next business on the Private Calendar was the bill (H. R. 18924) for the relief of George M. Esterly.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George M. Esterly, of Valdez, Alaska, the sum of $3,000, out of any money in the Treasury not otherwise appropriated, in payment for the loss of the gasoline launch Marilla, owned by him and accidentally burned in the district of Prince William, Territory of Alaska, on July 18, 1905, while in official use and under the rental of the United States Geological Survey, said appropriation having been recommended by the Secretary of the Interior and by the Acting Secretary of the Treasury, said recommendations and the facts concerning said loss being fully set forth in House Document No. 732, Fifty-ninth Congress, first session.

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

PHILIP LONEY.

The next business on the Private Calendar was the bill (H. R. 9778) for the relief of Philip Loney.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Philip Loney, late sergeant, Company I, Ninth Regiment United States Infantry, out of any money in the Treasury not otherwise appropriated, the sum of $553, being the amount of money belonging to the said Loney deposited with Lieut. J. K. Allen, acting quartermaster of said regiment, and appropriated by the United States after the death of said Allen.

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

S. KATE FISHER.

The next business on the Private Calendar was the bill (H. R. 8080) for the relief of S. Kate Fisher.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. Kate Fisher, of St. Paul, Minn., out of any money in the Treasury not otherwise appropriated, the sum of $400, erroneously paid by her for entry of public lands in the local land office for the district of Duluth, Minn., on November 25, 1903, which was subsequently relinquished by said S. Kate Fisher at the request of officers of the United States.

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

BERNICE FARRELL.

The next business on the Private Calendar was the bill (H. R. 8078) for the relief of Miss Bernice Farrell.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Miss Bernice Farrell, of St. Paul, Minn., the sum of $400, out of any money in the Treasury not otherwise appropriated, which sum was erroneously paid by her for the entry of public lands in the local land office of the Duluth (Minnesota) district, on November 25, 1903, which entry was subsequently relinquished by said Bernice Farrell at the request of officers of the United States.

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

EUNICE TRIPLER.

The next business on the Private Calendar was the bill (S. 3820) for the relief of Eunice Tripler.

The Clerk read as follows:

Be it enacted, etc., That there be paid to Eunice Tripler, widow of Surg. Charles S. Tripler, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, for services by the said Charles S. Tripler in his lifetime in preparing, superintending, and directing the publication of a manual for the use of medical officers of the Army of the United States: *Provided*, That

payment of the above sum shall be a bar to any further claim against the Government for the use of the book herein referred to.

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

CHARLES H. MARSDEN.

The next business was the bill (H. R. 8749) to refund a fine of $200 imposed upon and paid by Charles H. Marsden, owner of the tug *Owen*.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to refund the sum of $200 to Charles H. Marsden, owner of the tug Owen, said sum being the amount of two fines of $100 each imposed for a violation of section 4438 of the Revised Statutes, paid on or about August 31, 1904, at the office of the collector of customs at Detroit, Mich.

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

The title was amended so as to read:

A bill to refund a fine of $200 paid by Charles H. Marsden, owner of the tug Owen.

CHARLES B. BENTLEY.

The next business was the bill (H. R. 714) for the relief of Charles B. Bentley.

The Clerk reported the bill, as follows:

Be it enacted, etc., That there be allowed Charles B. Bentley, postmaster at Warsaw, Ind., the sum of $134.91, to reimburse him for the loss of key-deposit funds and damage to post-office fixtures through burglars, and for the expense resulting from a due vigilance to apprehend the thieves, the said sum not having been certified or allowed to him by the Post-Office Department; and the sum of $134.92 is hereby appropriated, out of the money not already appropriated, for the payment of said claim.

Also the following amendments:

In lines 4 and 5 strike out the words "one hundred and thirty-four dollars and ninety-one cents" and insert "ninety-seven dollars."

In lines 10 and 11 strike out "one hundred and thirty-four dollars and ninety-two cents" and insert "ninety-seven dollars."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

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

POLLARD & WALLACE.

The next business was the bill (S. 6299) for the relief of Pollard & Wallace.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to the firm of Pollard & Wallace, of Champaign, Ill., $6,000, being the value of the plant leased by them to the Government, and used by the War Department in the construction of a lock and dam and construction work in the Osage River, near Osage City, Mo., and still retained by the War Department for use in conjunction with the said work on said dam, but rendered useless to said Pollard & Wallace by reason of the failure of the War Department to complete said work by lack of proper appropriation therefor: *Provided*, That as a condition precedent to the payment of said $6,000, the said Pollard & Wallace shall convey to the United States a clear title in said plant, and the ownership thereof shall become vested in the United States upon the payment of said sum, and said sum is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

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

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

The next business was the bill (S. 682) for the relief of Andrew H. Russell and William R. Livermore.

Mr. MANN. Mr. Speaker, I shall object to that bill.

JOHN AND DAVID WEST.

The next business was the bill (H. R. 18865) for the relief of John and David West.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John and David West, of Cathlamet, Wahkiakum County, State of Washington, out of any money in the Treasury not otherwise appropriated, the sum of $88.50, as a reimbursement in full for all damage to their dock or wharf in the Columbia River at Cathlamet accidentally inflicted by the U. S. dredge W. S. Ladd in the month of December, 1901.

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

J. H. HENRY.

The next business was the bill (H. R. 9109) for the relief of J. H. Henry.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to J. H. Henry, of San Jose, Cal., the sum of $684.15 to reimburse him for losses sustained by him on account of fires started by United States troops during their occupancy of his ranch in San Luis Obispo County, Cal., during the summer of 1904.

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

EDWIN T. HAYWARD.

The next business was the bill (H. R. 12686) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edwin T. Hayward, executor of the last will and testament of Columbus F. Hayward, deceased, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $714, and to Edwin T. Hayward, administrator de bonis non, with the will annexed, of Charlotte G. Hayward, deceased, the sum of $939, the said sums being in payment of damages to land belonging to said Columbus F. Hayward and Charlotte G. Hayward, respectively, which was washed away and overflowed by reason of the extension of end of Dam No. 4 in the Muskingum River in the month of July, 1890: *Provided, however*, That before payment of said sums of money, or either of them, Edwin T. Hayward, as executor as aforesaid, and as such administrator, shall convey or cause to be conveyed to the United States, by deed duly acknowledged for record, the two parcels of land so damaged, containing together 4.51 acres, according by metes and bounds to be furnished by the Chief of Engineers of the United States Army.

Mr. MANN. Mr. Speaker, I would like to have the attention of the gentleman. I do not propose to object to the consideration of the bill, because it is a meritorious proposition; but this is really for the purchase of land. It purports to be for the payment of damages, and then provides for the purchase of all the land which is damaged. Would not the bill be in better form if the Department were authorized to purchase the land at a price not to exceed the amount named, so that the Department has some discretion as to the value to be paid or as to the amount of damages in dealing with the people?

Mr. PAYNE. I want to say to the gentleman that I have a report of General Mackenzie here, and it seems that for similar land the Government did pay $300 under the finding of the War Department, and that this damage is figured at the rate of $150 an acre instead of $300.

Mr. MANN. This damage is figured at far higher than $300 an acre. There are 4½ acres, and the amount appropriated is $714 plus $931—$1,600 and more.

Mr. MILLER. Mr. Speaker, the amount the gentleman reads is the value that is placed upon the land. The value of the land was fixed at about $300 an acre, or a little over, and there were 4.51 acres; And he was allowed $50 in addition to the value that was placed upon it.

Mr. MANN. We buy the land and pay him for the damage to it.

Mr. MILLER. No.

Mr. MANN. Oh, yes. We buy the land and pay him for the damage to it, which may be perfectly proper; but I do not know.

Mr. MILLER. All we want to do is simply to pay him for the value of the land.

Mr. MANN. This bill, of course, has not passed the other body. Would it not be better to have the bill so that the Department has the discretion as to the price to be paid?

Mr. MILLER. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] will suggest an amendment of that kind, I will agree to it.

Mr. MANN. I have no objection to the bill passing as it is at present, but I made that suggestion because I think that form of the bill is quite objectionable.

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

JOHN C. RAY.

The next business was the bill (H. R. 7960) for the relief of John C. Ray, assignee of John Gafford, of Arkansas.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the sum of $853.25 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of John C. Ray, assignee of John Gafford, deceased, mail contractor on route No. 7956, in the State of Arkansas, for carrying the United States mails to May 31, 1861, this being the amount of pay due to John Gafford to that date as found by the Auditor for the Post-Office Department and reported to the Secretary of the Treasury for appropriation.

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

GOUVERNEUR V. PACKER.

The next business was the bill (H. R. 17285) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be credited to Second Lieut. Gouverneur V. Packer, battalion quartermaster and commissary, Twenty-fourth Regiment United States Infantry, on his accounts as acting commissary of subsistence of the post of Fort Missoula, Mont., with the

sum of $48.89, the amount of subsistence funds, for which he was responsible, stolen by Commissary Sergt. Walter E. Smith, United States Army, who deserted from the service September 1, 1903.

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

DAVID M'CLELLAND.

The next business was the bill (H. R. 7153) for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to David McClelland, late draftsman and assistant to the engineer in the Quartermaster's Department, United States Army, stationed at the new military post, Chickamauga Park, Georgia, the sum of $171.21 for loss of personal property by fire on the morning of January 29, 1904.

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

THE NEBRASKA MUTUAL LIFE INSURANCE COMPANY.

The next business was the bill (H. R. 14125) for the relief of The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to refund to The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., the sum of $1,481.94, with interest thereon at 7 per cent per annum from the 1st day of July, 1901, which sum was wrongfully charged to and collected from said company on said date by the Commissioner of Internal Revenue, and paid by said company under protest.

Also the following amendments:

Strike out all of line 9; also all of line 8 except the words "which sum."

Strike out in line 10 the words "on said date" and insert in place thereof the words "as war-revenue taxes under chapter 448 of the laws of 1898."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice that the Commissioner of Internal Revenue reported on this same subject—

I am satisfied that the tax was legally assessed and collected, and therefore can not recommend the passage of the pending bill.

I would like to know why.

Mr. MILLER. I yield to the gentleman from Nebraska [Mr. HINSHAW].

Mr. HINSHAW. I think that if the gentleman from New York [Mr. PAYNE] will read over the report here he will see that it is a just claim. This company was organized as a mutual life insurance company under the laws of the State of Nebraska in March, 1898. The first year of its organization, as will be seen here by the reports, the revenues exceeded the expenditures by a considerable sum by reason of the fact that the assessments were levied and collected, but there were no death losses in the first year of its organization to amount to anything at all.

Therefore there was paid for commissions to officers and agents who were sent out to canvass the territory $2,639, and it appears it was very little for the pay of the officers. The officers did not receive any salary at all, except the secretary, who receives $1,200. These commissions have not been paid since then, and the revenues obtained from the assessments do not more than equal the expenditures each year, and none of this has gone to stockholders at all.

As you will see by the certificate of Auditor Searle, on page 17 of the report, he says:

I further certify that said Nebraska Mutual Life Insurance Company is organized and transacting business under and by virtue of the assessment life-insurance laws of the State, that all moneys paid by its members for death losses and expenses is obtained by assessments upon its members, and that the said life-insurance company was organized for mutual protection to its members and not for profit.

Now, that comes under the revenue law of 1898, which is found on page 2 of this report, in which it says: "If these companies are organized exclusively for the benefit of its members and not for profit, they are not subject to the revenue taxes."

This comes clearly under the provision exempting those that are organized not for profit in any sense.

I say now to you, and say it without any feeling whatever, that in my conversations with the revenue officers up here they stated that this assessment had been made under a former Commissioner of Internal Revenue; that there was a rule of the Department—and I think he said it had the sanction of law—that a subsequent Commissioner can not reverse the findings of a former Commissioner. That was the reason. They did not propose to go into the merits of the question at all. You will observe that Mr. Yerkes does not state now any facts upon which he bases his conclusion. He simply states he believes the amount is properly assessed and should not be repaid; but you will find no objection in that office to the repayment of this claim, which is a very just one. If you will turn to the record here, you will see that it is absolutely for the use of the members and not for stockholders at all.

Referring to page 3 of the report you will find that the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., was a mutual benefit association, and devoted its whole income to the payment of death losses and accident indemnity to its members, and an accumulation of a reserve fund for this purpose is in accordance with the charter and by-laws and the Nebraska State law, and the payment of expenses absolutely necessary for the conduct of its business, and that the corporation was and is not organized for profit.

I submit to the gentleman, and suggest to him, that this is a just claim, and it concerns, not some great corporation, but a lot of people who have organized in the vicinity of Stromsburg the Nebraska Mutual Life Insurance Company, and that not with a view to profit. There are nine directors, who only get $10 each a year; the president gets a salary of $50; the treasurer, $188; the secretary, $1,200; then the attorney gets $50, and one clerk or assistant to the secretary, $480.

I submit this is a very small expenditure to the officers and agents of a company of this kind, and I ask the gentleman to please withdraw his objection.

Mr. PAYNE. I do not know that I will object, but I do not know but that it is my duty to do so, because I think you will have a flock of these cases coming on. It has a little profit on the side.

Mr. MILLER. There will be no more of these cases coming.

Mr. PAYNE. The gentleman from Kansas says they will not come. But they will come when his grandchildren are here.

Mr. MANN. I will say that the passage of this claim is a great tribute to the gentleman from Nebraska. [Laughter.]

Mr. HINSHAW. I thank the gentleman for not objecting.

The amendments recommended by the committee were agreed to.

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

T. E. BOYT.

The next business on the Private Calendar was the bill (H. R. 19275) for the relief of T. E. Boyt.

The bill was read, as follows:

A bill (H. R. 19275) for the relief of T. E. Boyt.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. E. Boyt, of Vienna, Ill., the sum of $461, to reimburse him for said sum paid by him for a technical violation of the internal-revenue laws of the United States.

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

W. W. PEIRCE.

The next business on the Private Calendar was the bill (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce.

The bill was read, as follows:

A bill (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce.

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of W. W. Peirce.

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

ESTHER ROUSSEAU.

The next business on the Private Calendar was the bill (H. R. 22362) making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota.

The bill was read, as follows:

A bill (H. R. 22362) making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota.

Be it enacted, etc., That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying Esther Rousseau for 495 horses belonging to her and unlawfully destroyed and killed upon the Cheyenne Indian Reservation, in the State of South Dakota, during the year 1897, by the United States Indian agent in charge of said Indian reservation.

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

Strike out all after the enacting clause and insert:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment upon the claim of Esther Rousseau, for horses belonging to her and killed and destroyed

upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases.

"That a petition may be filed by the attorneys of the said Esther Rousseau in said court within forty days from the approval of this act, and service of said petition shall be had by filing copies thereof with the Attorney-General and the Secretary of the Interior, and answer thereto shall be filed in said court within sixty days after the service of the petition.

"The court may receive and consider all papers, depositions, records, correspondence, and documents heretofore filed in the Executive Departments of the Government, together with any other evidence offered, and shall render a judgment or decree thereon for such amount, if any, without interest, as the court shall find legally or equitably due to the said Esther Rousseau.

"Said cause shall be advanced on the calendar of said court, and the amount for which judgment may be rendered, when paid to the party named in said judgment, or her duly authorized and accredited attorneys, shall be received in full and final settlement of the claim for said unlawful destruction of said horses."

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Esther Rousseau."

ROE REISINGER.

The next business was Senate joint resolution 13, authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to award the Congressional medal of honor to Roe Reisinger, alias J. Monroe Reisinger, late corporal, Company H, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, for specially brave and meritorious conduct in the face of the enemy at the battle of Gettysburg July 1, 1863.

Mr. BENNET of New York. Mr. Speaker, reserving the right to object, I should like to have an explanation of this.

Mr. BATES. Mr. Speaker, Roe Reisinger enlisted as a corporal from Meadville, Pa., in the One hundred and fiftieth Pennsylvania Volunteer Infantry and was a member of the regiment commanded by Col. Henry S. Huidekoper. He is one of the unknown heroes of the civil war. At the battle of Gettysburg, in a galling fire, the color sergeant of the regiment was shot down, and Reisinger, then a corporal, volunteered to carry the colors forward. While doing so he received three leaden bullets, but in spite of his wounds he went on. At roll call before the battle that day 400, including 17 officers, were present. In the evening but 2 officers and 84 men responded. Sixty had been killed outright; the balance were wounded or captured.

Colonel Huidekoper in his official report of the battle says, "Among the many brave I would especially commend for coolness and courage Corpl. Roe Reisinger."

It is on the recommendation of his colonel, now General Huidekoper, of Philadelphia, that this resolution has passed the Senate and has been approved by the House Committee on Military Affairs. I believe, Mr. Speaker, that we honor ourselves when we direct that a medal of honor be bestowed upon this brave man, so that his children and his children's children shall know of his gallant deed upon the historic field of Gettysburg.

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

PAWNEE, OKLA.

The next business was the bill (H. R. 22543) granting to the town of Pawnee, in Pawnee County, Okla., certain lands for park, educational, and other public purposes.

The Clerk began the reading of the bill.

Mr. PAYNE. Mr. Speaker, as this bill makes a grant of public lands in Oklahoma, which has now become a State, I think we ought to pass it over. I object.

The SPEAKER. Objection is made.

MRS. R. E. MILLER.

The next business was the bill (H. R. 4586) for the relief of Mrs. R. E. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. R. E. Miller the sum of $400 to reimburse her for the said sum paid by her to the Government of the United States in lieu of money belonging to the Government stolen from her possession, the said Mrs. R. E. Miller being at the time of said theft an employee of the post-office at Dallas, Tex.

Mr. MANN. Mr. Speaker, I shall have to ask that that go over.

Mr. BEALL of Texas. Mr. Speaker——

Mr. MANN. I am willing to reserve the right to object in order to allow the gentleman from Texas to make a statement. Perhaps he can persuade me, although I read the report and all the papers very carefully.

Mr. BEALL of Texas. Mr. Speaker, this is a bill for the relief of Mrs. R. E. Miller, who has been in the post-office service at Dallas, Tex., for many years, during which time she has handled many millions of dollars, the receipts of that post-office being something over $400,000 a year. A few years ago, while she was engaged in the performance of her duties as stamp clerk, she took her money, which was in a tin box, out of the safe for the purpose of purchasing her supply of stamps. The official from whom she had to purchase the stamps was not in his place at the time; consequently she was compelled to defer the purchase until after lunch. She went to lunch, leaving the money and the stamp window in charge of her assistant. When she came back from lunch the tin box in which the money was kept was there, locked, but on unlocking the box she discovered that the money was gone. She immediately replaced the amount out of her private funds. Everybody connected with the office has given the same testimonial in regard to the efficiency of this woman. Prior to her service in the Dallas post-office she had been in the Government service for quite a while, and this is the only instance of any trouble.

Mr. PAYNE. Did not the inspector who went there to examine into the facts report that she had been very careless about leaving her money for a year or more; that she had a safe in which she might have locked it instead of keeping this large amount of money in a tin box, and that it was wholly unnecessary for her to have $400 with which to make change?

Mr. BEALL of Texas. The inspector did make that sort of a report, and quotes the assistant postmaster and another employee as authority for his statement. In this report you will find a statement from the assistant postmaster and the employee, both contradicting the statement of the inspector. The testimony of everyone connected with the office was that she was capable, careful, and efficient. I have already shown for what purpose she had taken the money from the safe.

Mr. MANN. I notice in the report that this employee to whom the gentleman refers says that he himself has been handling millions of dollars every year.

Mr. BEALL of Texas. I do not know where that statement is in this report. I do not recall it. I do not think the gentleman will find any such statement there.

Mr. MANN. That is the way I read it.

Mr. BEALL of Texas. Why does not the gentleman quote the report?

Mr. MANN. My copy of the report is in my room. I am relying on my memory. Of course, I am never sure of absolute accuracy in quoting from memory anything I read.

Mr. BEALL of Texas. I think there is some conflict between what the inspector said and the gentleman's memory. I know Mrs. Miller personally, and she is a gentle, refined lady. It meant much to her to replace this $460, but she did so. She comes now to the Government that she has faithfully served for almost twenty-five years, and offering that service as her guaranty of efficiency and fidelity, asks that she be reimbursed. Gentlemen now say that she was careless. Looking back at the occurrence it is easy to say so, but her record of many years without a single other loss is proof that she was not careless. This Government should not pay one dollar that is not justly due, but it should not withhold from this good woman that which is justly due her. There is another circumstance which I do not care to mention here that I think would affect the report of that inspector.

Mr. MANN. If the gentleman will pardon me, I quote from a letter written by a Mr. Luna, the employee to whom he refers:

> I have been closely associated with Mrs. Miller in this office for about ten years, and I consider that she is as careful in the handling of the Government's money as I am, and I handle millions each year.

Now, does the gentleman from Texas think that a man who is so careless in the use of language as that, when the employee in that post-office does not take in $500,000 a year—does the gentleman think that his judgment about somebody else being careful is worth much?

Mr. BEALL of Texas. I do not think if the gentleman from Illinois knew Mr. Luna he would cast any reflections upon him.

Mr. MANN. Perhaps I should not; I do not know him. I hardly ever cast any reflections upon anybody whom I know, because usually when I know a man I see his good qualities.

Mr. BEALL of Texas. I do not know how that expression came in his letter. I am satisfied it was either an inadvertence or true. The bill was reported at the last Congress by the Committee on Claims, and is reported now.

Mr. PAYNE. I understand the report is not unanimous, although there was no minority report. I do not wonder that it

is not unanimous. I do not think the bill ought to pass. I think I will object, Mr. Speaker.

FRANCISCO KREBS.

The next business on the Private Calendar was the bill (S. 5531) for the relief of Francisco Krebs.

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs be, and he is hereby, confirmed in his title to a tract of land known as Round Island, in the State of Mississippi, situated in sections 33 and 34, township 8 south, range 6 west, and sections 3 and 4, township 9 south, range 6 west, granted by the Spanish governor, Grimarest, to Francisco Krebs on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala.: *Provided*, That nothing in this act contained shall affect the claim or claims of any other person or persons to the said land, or any part thereof, derived from the United States or any source whatever: *Provided further*, That the site comprising 400 feet square upon which the lighthouse is now situated shall be excepted from this confirmation.

Mr. PAYNE. Is that the bill that was read this morning?

Mr. BOWERS. Yes.

Mr. PAYNE. I do not know that I have any objection to the bill itself.

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

HARRY M'L. P. HUSE.

The next business on the Private Calendar was the bill (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse to the active list of the Navy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Harry McL. P. Huse, now a professor of mathematics in the United States Navy with the rank of commander, a commander on the active list of the Navy, to take rank next after William L. Rodgers: *Provided*, That the said Harry McL. P. Huse shall establish to the satisfaction of the Secretary of the Navy by examination pursuant to law his physical, mental, moral, and professional fitness to perform the duties of that grade: *And provided further*, That the said Harry McL. P. Huse shall be carried as an additional to the number of the grade to which he may be appointed under this act, or at any time thereafter promoted: *And provided further*, That the said Harry McL. P. Huse shall not by the passage of this act be entitled to back pay of any kind.

Mr. PAYNE. Mr. Speaker, I would like an explanation of this bill.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I would be very glad to make the explanation which the gentleman from New York requests. The gentleman whom this bill was introduced to relieve is a commander in the United States Navy. He was the executive officer on the U. S. S. *Gloucester*, well fixed in history, a man of unusual courage and possessing great skill. After the termination of the Spanish-American war it was requested by the Navy Department that Commander Huse might be assigned to the Naval Academy at Annapolis to instruct the cadets on some special part of the curriculum. Not being in very good health, he acquiesced in the request made by the Department and submitted to the assignment.

He is now through with his work at the Academy, his health has been completely restored, and the Department joins with him in asking that he may be returned to the line of the Navy. I will say, further, to my friend from New York that inasmuch as Captain Huse now holds an extra number he will not by his return to the line of the Navy interfere with the promotion of anyone thereon. He was advanced for courage and given an extra number by Congress, and therefore if returned to the line of the Navy he will not, to repeat what I have said, interfere with the promotion of any man in the list.

Mr. PAYNE. The gentleman has proceeded far enough to satisfy me, and I have no objection.

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

The title was amended.

JOHN M'KINNON, ALIAS JOHN MACK.

The next business on the Private Calendar was the bill (S. 1160) to correct the military record of John McKinnon, alias John Mack.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John McKinnon, alias John Mack, late of Company L, Sixteenth Pennsylvania Cavalry, and seaman on the U. S. S. North Carolina and U. S. S. Brooklyn, and to grant him a discharge from the military service of the United States: *Provided*, That no bounty, pay, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. PAYNE. Mr. Speaker, I do not see how this bill comes properly from the Naval Committee; unless some gentleman can give an explanation I shall have to object.

Mr. BUTLER of Pennsylvania. I remember that we considered the case, and I would like to have the report read.

Mr. PAYNE. I ask to have the bill passed over without prejudice.

The bill was passed over without prejudice.

PETER O'NEIL.

The next business on the Private Calendar was the bill (H. R. 1561) authorizing the Secretary of the Navy to grant an honorable discharge to Peter O'Neil.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to grant an honorable discharge to Peter O'Neil, late a member of United States Navy.

The committee amendments were read, as follows:

In line 4 strike out the words "an honorable" and insert "a."

Amend the title so as to read: "A bill authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil."

The committee amendments were agreed to.

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

JAMES BEHAN.

The next business was the bill (H. R. 19284) for the relief of James Behan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to issue a discharge to James Behan, who served on board the U. S. S. Vermont, U. S. S. Canandaigua, and U. S. S. Pinta, of the United States Navy, under the name of Michael Behan, in his true name, in lieu of the one he received for said service.

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

LYMAN BALLOU.

The next business was the bill (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a deed of conveyance to Lyman Ballou, of the town of Buffalo Gap, Custer County, S. Dak., to the following described lands, to wit: The north 100 feet of lot 1 in block 7 of the original town of Buffalo Gap; also all that part of the southeast quarter of the southwest quarter of section 29 in township 6 south, of range 7 east, of the Black Hills meridian, bounded and described as follows, to wit: Beginning at the intersection of the north line of Pine street with the west line of Second street, running thence east on the north line of Pine street 80 feet; thence south on the east line of Second street 80 feet; thence west on the south line of Pine street 80 feet; thence north on the west line of Second street 80 feet to the place of beginning, as said streets are laid down and described on the plat of the town of Buffalo Gap, on record in the office of the register of deeds of Custer County, S. Dak., all in the town of Buffalo Gap, Custer County, S. Dak.

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

EDWIN S. HALL.

The next business was the bill (S. 6166) for the relief of Edwin S. Hall.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,028.58, and the Secretary of the Treasury is hereby authorized and directed to pay to Edwin S. Hall, of Sauk Rapids, Benton County, Minn., the said sum of $2,028.58.

Mr. MANN. Mr. Speaker, I think the House bill for this man was passed yesterday.

The SPEAKER. That is correct.

Mr. MANN. Then, I shall ask unanimous consent to vacate the proceedings of the House bill on yesterday, and that the House bill lie on the table.

The SPEAKER. The Chair suggests to the gentleman from Illinois that the proper way of proceeding would be by resolution, or an order that the Senate be requested to return the bill.

Mr. MANN. Very well; I will ask unanimous consent that the resolution be passed.

Mr. PAYNE. We ought not to proceed, I think, until the House bill is here.

Mr. MANN. This is a request to the Senate to return the House bill. We will get the House bill back as a matter of course.

The SPEAKER. The question is on the third reading of the Senate bill.

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

The SPEAKER. Without objection, the following order will be made, which the Clerk will report.

The Clerk read as follows:

Ordered, That the Clerk be requested to request the Senate to return to the House the bill (H. R. 1050) for the relief of Edwin S. Hall.

The SPEAKER. The Chair hears no objection, and it is so ordered.

MARGARET NEUTZE.

The next business was the bill (H. R. 20169) for the relief of Margaret Neutze, of Leon Springs, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret Neutze, of Leon Springs, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $100, in full settlement for damages due her by reason of the killing of two horses by troops of the United States Army while engaged in target practice near Leon Springs, Tex.

Mr. PAYNE. Mr. Speaker, I would like an explanation of this bill.

Mr. BEALL of Texas. Mr. Speaker, the report does not give the date of the occurrence, but I shall refer to the bill immediately succeeding. It appears that the damage was done at Leon Springs in 1903, 1904, and 1905.

Mr. PAYNE. Mr. Speaker, there seems to have been an investigating board, and there is a recommendation on the part of General Humphrey that the claim be allowed. I have no objection.

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

F. KRAUT.

The next business was the bill (H. R. 20168) for the relief of F. Krant, of Leon Springs, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. Krant, of Leon Springs, Tex., the sum of $325, out of any money in the Treasury not otherwise appropriated, in full settlement of claims for damage to property incident to the target practice of the Army of the United States near Leon Springs, Tex.

With the following amendment:

On line 4 strike out the word "Krant" and insert in lieu thereof the word "Kraut."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

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

By unanimous consent, the title was amended.

ETIENNE DE P. BUJAC.

The next business was the bill (S. 4926) for the relief of Etienne De P. Bujac.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Etienne De P. Bujac, late second lieutenant, Thirty-third Infantry, United States Volunteers, in the sum of $1,020, the money lost by him while in the military service of the United States.

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

JACOB LIVINGSTON & CO.

The next business was the bill (S. 505) for the relief of Jacob Livingston & Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to Jacob Livingston & Co., Carlisle, Pa., $340.44, for moneys paid as taxes and penalties upon cigars manufactured by M. W. Jacobs at factory No. 3741, ninth district, State of Pennsylvania, which cigars were seized by the agents of the Government, who alleged that the stamps thereon were counterfeited by the aforesaid Jacobs.

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

A. A. NOON.

The next business was the bill (S. 3739) for the relief of A. A. Noon.

Mr. MANN. I object to that bill.

The bill was ordered to be passed without prejudice.

L. K. SCOTT.

The next business was the bill (S. 190) for the relief of L. K. Scott.

Mr. MANN. I object to that bill.

The bill was ordered to be laid aside without prejudice.

HOFFMAN ENGINEERING AND CONTRACTING COMPANY.

The next business on the Private Calendar was the bill (S. 1648) for the relief of the Hoffman Engineering and Contracting Company.

The Clerk read as follows:

Whereas certain accounts of the Hoffman Engineering and Contracting Company, a corporation organized and existing under the laws of the State of Pennsylvania, for compensation for extra work done in carrying out its contract with the United States, through the Chief of the Bureau of Navigation, Navy Department, bearing date March 19, 1901, providing, among other things for certain construction work at the United States Naval Academy at Annapolis, Md., have been investigated and reported upon under the direction of the Navy, by a board of officers consisting of Capt. S. W. Very and Civil Engineers A. C. Lorenz and A. J. Menacal, which said board found to be due the said corporation the sum of $14,838.25, against which sum certain countercharges amounting in the aggregate to $2,110.44 are due the United States: Therefore,

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to adjudicate and settle the account of the said Hoffman Engineering and Contracting Company, and pay the same in an amount not exceeding $12,727.81, out of any moneys heretofore appropriated for the construction of cadet quarters and other buildings at the United States Naval Academy at Annapolis, Md.

Mr. GARRETT. Mr. Speaker, I desire to state that I did not receive my notice, and for that reason I was not present when this bill was considered, and I want to ask the gentleman if this was a unanimous report?

Mr. MILLER. What bill is that?

Mr. GARRETT. This is the Hoffman Engineering and Contracting Company claim.

Mr. MILLER. This was a unanimous report of the committee.

Mr. GARRETT. I am not objecting, but I did not receive my notice, and consequently was not present.

Mr. PAYNE. I would like to know something about the nature of the claim, reserving the right to object.

Mr. MANN. As I understand the bill, it does not require the Navy Department to pay all the money, but limits the amount which they can pay in settlement.

Mr. MILLER. That is what it does; it is a settlement of their claim.

Mr. MANN. It limits the amount they can pay, but does not require them to pay all the money.

Mr. PAYNE. Authorizes them to pay it.

Mr. MILLER. Providing it is found to be due, and they have found it is due, according to the report of the Secretary.

Mr. PAYNE. I have no objection, Mr. Speaker.

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

JEANIE R. BARTLETT.

The next business on the Private Calendar was the bill (S. 2073) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy.

Mr. MANN. Mr. Speaker, I object to that bill.

The SPEAKER. The gentleman from Illinois objects.

GORDON, IRONSIDES & FARES COMPANY.

The next business on the Private Calendar was the bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited).

The Clerk read as follows:

Be it enacted, etc., That the sum of $7,626.08 be paid to Gordon, Ironsides & Fares Company (Limited), of Montreal, Canada, said sum having been exacted as duties and paid to the collector of customs at the port of Boston by the said Gordon, Ironsides & Fares Company (Limited) on the 2d, 3rd, and 4th days of December, 1902, covering a consignment of 602 head of cattle and 1,757 sheep shipped from Canada in bond via Boston, Mass., to Liverpool, England, on the 25th day of November, 1902, and being prohibited from being so shipped by general orders from the Department of Agriculture, dated the 27th day of November, 1902, said cattle and sheep being then slaughtered and exported on the Ultonia on the 10th day of December, 1902.

SEC. 2. That the Secretary of the Treasury is directed to make payment of said amount of $7,626.08 mentioned in section 1 out of the funds not otherwise appropriated.

SEC. 3. That this act shall take effect on its passage.

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

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to recur to bill, Calendar No. 3625, objected to by the gentleman from Illinois, but since the objection I have called his attention——

The SPEAKER pro tempore (Mr. CURRIER). Will the gentleman defer that until the bills in regular order are disposed of? There is one more bill.

Mr. LITTLEFIELD. There is one more bill; I did not see it on the Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

S. W. PEEL.

The next business on the Private Calendar was the bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

Mr. MANN. This bill is not on the printed Calendar, of course.

The SPEAKER pro tempore. The bill is on the Calendar reported yesterday, but not on the printed Calendar. It is on the House Calendar.

Mr. MANN. I have no objection to the bill being read, of course.

The Clerk read as follows:

Be it enacted, etc., That the claim of S. W. Peel, of Bentonville, Ark., for legal services rendered and expenditures had for the Choctaw Nation of Indians, of the Indian Territory, in an action in said Court of Claims wherein Yvon Pike and Lillian Pike, and Yvon Pike as the administrator of the estate of Luther S. Pike, deceased, were plaintiffs, and said nation was defendant, be, and the same is hereby, referred to the Court of Claims with full jurisdiction, equitable and legal, to render judgment or decree therein as to the very right of the matter; and in case the said court finds any sum or amount due the claimant for his services and disbursements as aforesaid, it shall thereupon direct the same to be paid with interest from the funds of said nation now in the Treasury of the United States, and a transcript of such decree or judgment shall be authority for the Secretary of the Interior to make the payment therewith, and to make the proper charge against the funds of said nation; and sufficient of the funds of said nation shall be retained in the Treasury of the United States to meet any judgment or decree for payment to said S. W. Peel that may finally be rendered. The suit herein provided for shall be entitled "S. W. Peel *v.* The Choctaw Nation and the United States;" the petition and other proceedings therein shall be in accordance with the ordinary rules and requirements of said court, with the right of appeal to the Supreme Court by either party: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof: *And provided further*, That such suit shall be advanced and promptly tried in any court where it may be pending.

Mr. MANN. Mr. Speaker, I first reserve the point of order on the bill and then I object.

Mr. BURKE of South Dakota. Mr. Speaker, just a moment before the gentleman objects.

Mr. MANN. I am perfectly willing to reserve the right to object if the gentleman desires me to do so.

Mr. BURKE of South Dakota. I hope the gentleman will reserve his objection. The member of the committee who reported the bill I do not see in the House, but it involves the sum of about $5,000 claimed to be due on a contract that was made by Judge Peel, who was for many years an honored member of this House, for services performed for certain Indians, I think in the Indian Territory. The bill merely sends the case to the Court of Claims and asks them to find the facts and render a judgment if any amount is found to be due, and, if so, the judgment is to be paid out of the funds of the Indians who are parties to this contract, and it does not take any money whatever out of the Public Treasury.

Mr. MANN. Is the gentleman aware of the fact that this bill proposes to confer upon the Court of Claims the authority to render a judgment upon an equitable claim regardless of the fact he could sue, and would sue, a private person on a legal claim? The bill provides for judgment both legal and equitable. That is the way I heard the bill read from the desk.

Mr. BURKE of South Dakota. That, Mr. Speaker, is because of the fact there is some question between the claimant and the Indians as to whether or not there was a written contract.

Mr. MANN. We have had no opportunity to see the bill, of course. There has been a good deal of fraud in connection with the allowance of claims by attorneys against Indians, and this one ought to be considered by the House when it can be considered.

Mr. BURKE of South Dakota. I wish to say, Mr. Speaker, that I have no interest whatever in the claimant. The gentleman who reported the bill is absent, and I was present when the hearing took place.

Mr. MANN. I understand.

Mr. BURKE of South Dakota. And Judge Peel appeared befor the committee. It seemed to the members of the committee that it was a just claim, and they reported it unanimously.

Mr. FLOYD. Mr. Speaker, I will state to the gentleman from Illinois [Mr. MANN] that I introduced the bill, and I would be pleased to state any facts that he may desire or may wish information about as to the character of the bill.

Mr. MANN. I will be very glad to hear the gentleman's explanation. What we want is information. So far we have not any. It comes from a committee that has no jurisdiction to report the bill. It is not upon the Calendar, and nobody has been advised of it. The report was only printed this morning, and nobody could obtain it, and I do not believe that the gentleman ought to ask that we push the bill through. Of course the gentleman can always enlighten me.

Mr. FLOYD. If the gentleman will yield, I would like to explain it to him.

Mr. MANN. I have not the floor. The gentleman has the floor and is entitled to it.

Mr. FLOYD. I will state that this is a bill in behalf of S. W. Peel to refer a certain claim which he has against the Choctaw Nation for legal services to the Court of Claims for adjustment. About 1895, after Colonel Peel had retired from Congress, there was a suit filed by Yvon Pike, Lillian Pike, and Yvon Pike as the administrator of the estate of Luther H. Pike, deceased, being the heirs of Albert Pike, against the Choctaw Nation for the sum of $200,000. The chief of the Choctaw Nation notified Colonel Peel, who was down there at that time, that the suit was pending and asked him how much he would charge to represent the nation in that suit. He said he would represent them for $5,000. The Choctaw council was in session at that time, and they immediately passed a bill through the senate of the Choctaw council to employ Mr. Peel and to allow him $5,000. It was right on the eve of the adjournment of the Choctaw council, and the lower house adjourned before the senate bill reached the house. After that Colonel Peel returned home, and the chief of the Choctaw Nation, Mr. Gardner, sent him the following letter:

EXECUTIVE OFFICE, CHOCTAW NATION,
JEFF GARDNER, PRINCIPAL CHIEF,
Eagletown, Ind. T., December 16, 1895.

DEAR SIR AND FRIEND: Mr. Stanley has informed this office that there is a motion by the attorney of the Pike heirs, Mr. James Coleman, in the Court of Claims for an order to take testimony.

You will please go to Washington, D. C., as early as you can and appear as attorney for the nation and ask for time until one can be employed by the nation for that purpose.

Mr. Dyer will go to Washington, D. C., before long.

Yours, respectfully,

JEFF GARDNER,
Principal Chief, Choctaw Nation.
S. G. BATTIEST,
Private Secretary.

Hon. S. W. PEEL, *Bentonville, Ark.*

In response to that request Colonel Peel came to Washington, and Mr. Dyer came on to Washington also and entered into a written contract with Colonel Peel relative to his fee. Mr. Dyer was a delegate of the Choctaw Nation, selected by the council to represent their interests here. He entered into a written contract with Colonel Peel to defend the Choctaw Nation in that suit, and the contract is in writing, was submitted to the committee, and I have copies of it here in a brief. That contract provided that for his services in the suit he should be paid $1,000 down and $4,000 at the termination of the suit; in all, $5,000. Under that contract Colonel Peel entered upon his duties as attorney in that case and continued his services from 1895, when he was employed, to 1901, when by Senate amendment an appropriation was made to pay the Pike heirs $75,000, and that settled the suit in the Court of Claims. He filed an answer, took testimony, and took depositions, and so forth, using his own funds in payment of costs, and neither his fee nor the costs paid out by him have been paid. The testimony shows that he was the sole attorney in that case and represented them in it as their sole attorney for a period of about six years. That is the nature of the case.

Now, in regard to this proposition suggested by the gentleman from Illinois [Mr. MANN] as to the contract, I will say there may be a question as to the validity or legality of it in this way: A bill authorizing his employment was passed through the Choctaw senate. The chief then ratified the contract made by the Senate. It did not go to the house for ratification. Then the delegate was authorized to come here and enter into the contract, in keeping with the bill or resolution of the senate. He did so, and entered into a written contract with Colonel Peel, signed it, agreeing to pay this amount of money due, with interest. Even if the court should hold that that contract was not valid and binding, we insist that in equity, under the rule of quantum meruit, he would be entitled to some compensation for his six years' services in representing the Choctaw Nation in a suit in which he saved them $125,000, because that was the amount that was saved by fighting that suit. If he had not entered appearance and made defense for them, a judgment would have been taken against the Choctaw Nation for $200,000.

Mr. PERKINS. Will the gentleman allow me to ask him a question?

Mr. FLOYD. Certainly.

Mr. PERKINS. Is this claim contested by the Choctaw Nation; and if so, on what ground?

Mr. FLOYD. This claim simply has not been paid by the Choctaw Nation; and I believe that formerly when the effort was being made to get this claim allowed by a direct appropriation that some one filed a protest; but in the protest they did not deny any of the facts alleged by Colonel Peel, as I understand it. And I want to say in this proceeding here no protest has been entered, no answer has been made to our proceeding. I want to say, further, that when the facts were submitted to the Senate committee the same item was put on the Indian appropriation bill two years ago, but was lost in conference.

Mr. PERKINS. On what ground was it objected to? Because, as you state the case, there ought to be no objection. There must be some somewhere.

Mr. FLOYD. That is a question I can not answer.

Mr. BURKE of South Dakota. I desire to say a word on the point of order made by the gentleman from Illinois, in which he questions the jurisdiction of the committee on the ground that

it is not a claim against the Government, and, therefore, the Committee on Indian Affairs is the proper committee to consider such claims.

The SPEAKER pro tempore. The Chair is ready to rule on that. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. Mr. Speaker, I insist upon my objection, for the present.

The SPEAKER pro tempore. Does the gentleman desire a ruling on the point of order?

Mr. MANN. Not on the point of order.

The SPEAKER pro tempore. Does the gentleman object?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is made.

JOHN H. POTTER.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to return to Calendar No. 3625.

The SPEAKER pro tempore. Is there objection?

Mr. WILLIAMS and Mr. PAYNE. What is it?

The Clerk read as follows:

A bill (S. 3574) for the relief of John H. Potter.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Potter, formerly master of the collier Saturn, out of any money in the Treasury not otherwise appropriated, the sum of $1,344, in full settlement of salary and traveling and subsistence expenses from the time of his discharge in Manila, August 31, 1901, to the time of his reporting at the Navy Department at Washington, October 25, 1901, and to reimburse him for certain sums expended by order and under authority of commanding officers.

Mr. MANN. Mr. Speaker, in that case I objected on the ground that the money to be paid appeared to be to pay mileage to an officer who had been discharged in the Philippines, and who was found to be improperly discharged. The report indicates that the payment is to be made for mileage. The statement upon which the action of the committee was based, however, and not printed in the report, shows that the amount allowed was simply for expenses. I have no objection.

The SPEAKER pro tempore. The Chair hears no objection.

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

MRS. R. E. MILLER.

Mr. BEALL of Texas. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 4586, Calendar No. 5121.

The bill was read, as follows:

A bill (H. R. 4586) for the relief of Mrs. R. E. Miller.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. R. E. Miller the sum of $400 to reimburse her for the said sum paid by her to the Government of the United States in lieu of money belonging to the Government stolen from her possession, the said Mrs. R. E. Miller being at the time of said theft an employee of the post-office at Dallas, Tex.

Mr. PAYNE. Mr. Speaker, I understand this is a case where a post-office clerk allowed somebody to steal $400.

Mr. BEALL of Texas. That is the case. I thought the amiable gentleman from New York was not going to object.

Mr. PAYNE. I am not going to deprive the gentleman of an opportunity to donate $400 to this woman, who has been an employee of the Post-Office Department for a long time; but I hope that these clerks in the post-office will hereafter be a little more careful in the matter of caring for Government funds.

The SPEAKER pro tempore. Is there objection? [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.

MARY V. SHAW.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to return to bill H. R. 7548, Calendar No. 3627.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Well, I do not know what the case is. I can not identify it in that way.

The Clerk read as follows:

A bill (H. R. 7548) for the relief of Mary V. Shaw.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary V. Shaw, widow of Hon. W. Irvin Shaw, late consul-general to Singapore, Straits Settlements, India, the sum of $3,000, a sum representing one year's salary, and an allowance of $300 additional to defray the cost of the funeral expenses of the said Hon. W. Irvin Shaw, who died while in the service.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "of," strike out the words "three thousand" and insert in lieu thereof the words "one thousand five hundred;" and in line 8 strike out the words "one year's" and insert in lieu thereof "six months'."

Mr. OLMSTED. I wish to make this brief statement.

Mr. MANN. Reserving the right to object, I have no objection to the gentleman making a statement.

Mr. OLMSTED. I think, Mr. Speaker, there was a misunderstanding of this question when it was reached before. I have in my hand a copy of a letter (and it is attached to the report) from the Secretary of State, in which he says the law provides for the payment to the widow or heirs at law of a consul who dies abroad a sum of money equal to the allowance made to such officer for the transit period between his post and Washington, also for the funeral expenses.

Now, I understand that the amount usually allowed for the transit period is six months' salary. So if this consul had died abroad his widow would have received the six months' salary and the funeral expenses. He returned here in ill health, as a result of his service in the unhealthy city of Barranquilla, Colombia, and had been appointed consul to Singapore, but before he could return he died here. If he had lived to go there his widow would have had this money.

Mr. MANN. No; if he had died there it would have cost her the allowance that the Government makes to come home and bring his body home. The reason for making the allowance ceased in this case. Unless it is the policy of the Government to do, as it has been the policy of the House here to do, in case of the death of an employee, to pay six months' salary. I can see no reason why this bill should pass.

Mr. OLMSTED. I do not think I made myself understood. If Mr. Shaw had died there, his widow would have received the six months' salary and the expenses of bringing him back and burying him. He died here; so she received nothing. She is in utterly destitute circumstances. This bill was offered by my colleague from Pennsylvania [Mr. DRESSER], who is himself ill, and when the bill was called up before I was not familiar with the circumstances.

Mr. Shaw was prevented from returning to his post by illness incurred in the discharge of his duty at the other post. Had he been able to get to his new post his widow would have received, under the law, six months' salary and the funeral expenses.

Mr. WILLIAMS. Where was she when he died?

Mr. OLMSTED. I do not know, but I will assume for the purposes of the case that she was with him. He did not die at his home, however.

Mr. MANN. The only claim that is any good here is that the woman is poor, and there are millions of others like her.

Mr. OLMSTED. There is no other case like this, except four or five cases which have been allowed by Congress.

Mr. MANN. There are other cases like it as to poverty.

Mr. OLMSTED. There will never be another just exactly like it probably.

Mr. MANN. I want to ask the gentleman from Pennsylvania what distinction can be drawn between this case and that of any employee of the Government who dies here at home in this country? Why should we not pay them all six months' salary and funeral expenses?

Mr. OLMSTED. This man died as a result of his service, and his illness and death prevented him from getting back to the post to which he had been appointed, which would have entitled his widow, under the law, to six months' salary and funeral expenses.

Mr. PAYNE. Other people die in the Government service.

Mr. OLMSTED. There have been other cases similar to this, and the widow in each case has been paid.

Mr. MANN. The precedent has been enlarging, as far as the Government is concerned, but we ought either to take one position or the other. If it were the policy of Congress to pay six months' salary, as far as I am concerned I should have no objection to that, but I am not willing to make an exception in this case.

Mr. OLMSTED. If he had died abroad, his widow would have received this money. He died here, and therefore his widow loses the money.

Mr. MANN. No; he was in precisely the same position as any other officer of the Government who dies at any place in the United States.

Mr. WILLIAMS. Does not the gentleman from Pennsylvania think that the reason of the custom that permits the six months' allowance, this "transit allowance," as it is called, is because when they die abroad the expense of the family in returning is a thing intended to be provided for? Now, if the family were here with him, why should the spirit of that law apply in this case? They had no traveling to do.

Mr. OLMSTED. In addition to the transit allowance they allow funeral expenses also.

Mr. WILLIAMS. I understand, but there was no travel here and no transit. They were here already.

Mr. OLMSTED. If he had died abroad, his widow would have got the six months' allowance and the funeral expenses. Now, she has had to bury him herself, and gets no allowance either for salary or for his funeral expenses.

Mr. WILLIAMS. The six months' allowance is for the transit.

Mr. OLMSTED. Well, they allow him for that period.

Mr. WILLIAMS. That is an arbitrary way of fixing the amount.

Mr. OLMSTED. And they allow the funeral expenses besides. Now she has had to bury him at her own expense and can not even get the six months' salary. It seems to me that it is a very meritorious claim and I wish the gentleman from Illinois could see his way to allow it to be voted upon. There has never been a case like it since the foundation of the Government, and probably will never be another.

Mr. MANN. I object.

MITSUI BUSSAN KAISHA.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the House return to Calendar No. 3785.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House return to Calendar No. 3785, which is H. R. 9289, for the relief of the Mitsui Bussan Kaisha. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $600 be, and is hereby, appropriated to the Mitsui Bussan Kaisha for damages to their steamer Hikosan Maru, caused by collision with a coal hulk owned by the United States Quartermaster's Department on July 31, 1902; and that the further sum of $948.27 be, and is hereby, appropriated to the Mitsui Bussan Kaisha for damages to their chartered steamer Shirley, caused by collision with a coal hulk owned by the United States Quartermaster's Department in Manila Bay on March 23, 1902, making altogether the sum of $1,548.27.

Mr. GARRETT. This bill was objected to by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I objected to that claim and asked a question as to the allowance of demurrage which the report did not show was not included in the amount. I am assured by the gentleman from the Committee on Claims who introduced the bill that the allowance of demurrage was not included in the amount appropriated in the bill.

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

THOMAS P. MORGAN.

Mr. CHANEY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 3606, which is the bill (H. R. 12881) to pay Thomas P. Morgan the amount found due by the Court of Claims. That is the Court of Claims case, which was tried on report and documentary evidence sent in by the War Department and upon depositions duly taken in the Court of Claims. The amount of $6,357.82 was found to be actually due this dredging contractor, and the further facts were proved that he actually dredged the number of cubic yards charged for, which have not been paid for, and that the Government actually got the benefit of the services rendered.

The amount of four thousand and odd dollars was the retained percentage on the amount of money that was withheld for the dredging work that had been done. One thousand four hundred dollars is for the amount of dredging which was not paid for at all. It was withheld on the ground, first, that there was a little deeper dredging at certain places called for; there was no definite depth fixed, but about a certain number of feet in depth was required, and it was simply held up so that they could get a decision in the matter, and by that time they declared that the contract period had ended and did not extend his time, and so he did not have an opportunity to do it.

Mr. MANN. Mr. Speaker, I made the objection to this bill. There was a finding of the Court of Claims which found nothing practically, and there was nothing in the report to show whether the engineering department of the War Department had ever been consulted about this claim, and nothing to show what objection they had, they having originally refused to make the allowance. But the gentleman from Indiana assures me, and I am willing to take it, that in the trial of the case before the Court of Claims all of the claims of the War Department were brought out and considered by that court, although it is not shown by the record. Therefore I withdraw the objection.

Mr. PAYNE. As I understand, this is only 10 per cent of the whole amount of the contract which is held back?

Mr. CHANEY. It covers more than that; it covers $1,459 worth of dredging that was done, that was not considered in the matter, because they ended the contract, claiming that the period of limitation had expired.

Mr. MANN. The Government declared the contract forfeited because the contractors had not completed the work within the time provided, although the time had been extended six months, and then they declared that the money in the hands of the Government which otherwise would have been due the contractors was forfeited under the contract. The War Department considered that they were correct in that respect. The Court of Claims did not make any findings upon the point at all, but did find that the contractor had done this and that there was excuse for him. While I think the decision or the findings of the Court of Claims is the poorest I have ever seen coming from that court, still as the claim was fully presented to the court, I am willing to take their judgment and be bound by it.

Mr. CHANEY. Mr. Speaker, the only question the War Department had in it was as to whether they, under the contract, could withhold this money as a penal sum, and the question of law was decided in favor of the claimant that it was not a penal sum.

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

Mr. CHANEY. Mr. Speaker, the amendment was offered by the committee, but the amount in the amendment is not the way we want the bill passed. We want the entire amount found by the Court of Claims.

Mr. MANN. Oh, Mr. Speaker, I shall not consent to that.

Mr. CHANEY. Then I shall withdraw the bill.

The SPEAKER. By unanimous consent, the order passing the bill can be vacated. The Chair hears no objection.

Mr. MANN. That depends, Mr. Speaker. The bill was passed as amended.

Mr. CHANEY. Mr. Speaker, I do not want the bill passed as amended; I want the bill passed carrying the amount that the Court of Claims found.

Mr. WILLIAMS. I understand it has been already passed as amended, and if that is so, he can not withdraw it.

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

Mr. MANN. I object.

DEPOSIT SAVINGS ASSOCIATION OF MOBILE, ALA.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 4190) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent to return to the bill indicated. Is there objection?

Mr. MANN. Mr. Speaker, I am compelled to object to that request.

The SPEAKER. Objection is made.

CLAIMS UNDER NAVY DEPARTMENT.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, for the purpose of moving to reconsider the vote by which the bill was passed.

The SPEAKER. Is there objection to returning?

There was no objection.

Mr. MILLER. Mr. Speaker, I now move to reconsider the vote by which the bill was passed, for the purpose of offering certain amendments.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. In connection with that bill, when it was passed was the usual motion to reconsider and lay on the table passed?

Mr. MILLER. No.

The SPEAKER. The question is on the motion of the gentleman from Kansas, to reconsider the vote by which the bill was passed.

The question was taken; and the motion was agreed to.

Mr. MILLER. Mr. Speaker, I now offer the following amendments to this bill, and I offer them on account of the report that is presented by the Navy Department to our committee. I am authorized by the unanimous vote of the committee to offer these amendments. There are eleven of them, providing for the payment of small amounts of damages similar to those that have been enacted in the bill, amounts ranging from $42 to some three hundred and odd dollars. I send the amendments to the desk, and ask to have them read.

The Clerk read as follows:

To reimburse the owners of the steamer *River Queen* the cost of repairs necessitated by a collision of that vessel with the U. S. naval tug *Standish*	$142.06
To reimburse Pay Inspector S. L. Heap, United States Navy, the amount paid for injuries to a shore boat, belonging to a native, in collision with the first steamer of the U. S. flagship *Brooklyn*, at Genoa, Italy	7.72
To compensate the owners of coal barge *Lizzie* for damages resulting from being rammed by the U. S. S. *Nevada*	380.36
To compensate George W. Clarke for injuries to his bateau in collision with a cutter from the U. S. S. *West Virginia*	60.00
To compensate the owners of the schooner *Mary M. Brainard* for delay while making repairs due to collision caused by the U. S. lighter *Transfer*	135.00
To reimburse the owners of lighter *Ben No. 9* the actual cost of repairing injuries thereto caused by the U. S. lighter *Transfer*	4.89
To reimburse the Chinese customs service the cost of replacing the Fairway bell gas-lighted buoy at the entrance of the Yangtse River, lost in collision with the U. S. naval auxiliary *Justin*	2,109.73
To pay the owners of coal lighter *Lucy* for repairs necessitated by being squeezed by the U. S. S. *Brooklyn*	68.24
To reimburse Jardine, Matheson & Co., of Amoy, China, the cost of raising and replacing a buoy sunk by the U. S. torpedo-boat destroyers *Barry* and *Chauncey*	99.65
To pay Zaldo & Co., of Habana, Cuba, for damages to two-masted schooner *Amalia*, arising from collision with first steamer of the U. S. S. *Columbia*	150.00
To reimburse the owner of the sailboat *Paprica* the cost of necessary repairs resulting from collision with the U. S. tug *Chickasaw*	87.90

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

S. W. PEEL.

Mr. FLOYD. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 19930.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

JOHN M'KINNON.

Mr. BUTLER of Pennsylvania. Mr. Speaker, for the purpose of making an inquiry, I ask to return to House Calendar 5263, which is passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 1160) to correct the military record of John McKinnon, alias John Mack.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I am not sure that bill——

The SPEAKER. That is a desertion bill, which would not be in order to-day.

A. A. NOON.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent to return to page 47, Calendar No. 5437, and take up Senate bill 3739.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3739) for the relief of A. A. Noon.

Mr. MANN. Mr. Speaker, reserving the right to object, is that the gilsonite bill?

Mr. HOWELL of Utah. Yes; that is the gilsonite bill. Mr. A. A. Noon was the lessee of certain mining claims near the Uncompahgre Indian Reservation in Utah. The survey of this reservation was made in 1884–85 and the boundaries of the reservation established by that survey. Certain mining claims were located and recorded according to law outside and near the western boundary of the reservation as then defined.

One of these mining claims which had been duly located according to law was leased from its owner by Mr. Noon. He extracted some $1,300 worth of gilsonite from this mine. Claiming that this mining claim was within the reservation, the Government commenced an action against him and recovered judgment for the full amount of the value of the gilsonite which had been marketed. When notified by the Government to desist from mining he conformed to the requirements of the Department. While he was lessee in good faith of these mines there was no question in his mind as to his right to take out the ore, and it was only by a resurvey of the reservation in 1898, after his lease and after the development work done and the production of ore (gilsonite) by him in pursuance of this bona fide lease, that this territory was found to be within the reservation. I think that is a good claim and ought to pass, and I hope no objection will be made to its consideration at this time.

Mr. WILLIAMS. Did he get any gilsonite out and sell it? Did he get any money out of it?

Mr. HOWELL of Utah. He got some money, and the Government sued him and got judgment for the full amount of the receipts for the mineral which he had taken out.

Mr. WILLIAMS. And now you are asking that he be repaid that amount?

Mr. HOWELL of Utah. That is the claim on the ground that he had good reason to believe he was operating a valid claim that was not within the Uncompahgre Reservation, according to the recognized survey made by the Government in 1884–5.

Mr. WILLIAMS. The evidence in the case is all ex parte; it all comes from his side. Did the Government have an opportunity to introduce any evidence to show he was not acting in good faith, because this is rather a dangerous precedent for a man to enter upon Government property and mine, and when required to pay back to the Government he should come back and have Congress make an appropriation for the profit he had made? It is quite dangerous.

Mr. HOWELL of Utah. The strength of this claim, I will say to the gentleman from Mississippi, consists in this, that a resurvey of the reservation was made in 1898, bringing within the reservation this claim, which had been located and recorded according to law, and which was understood to be without the reservation and was without the reservation as first surveyed and bounded.

Mr. MANN. May I ask the gentleman did not Government officials who had charge of the transaction know all of these facts at the time this suit was instituted and prosecuted to a conclusion?

Mr. HOWELL of Utah. I can not say as to that, but I state the fact to be that Mr. Moon, acting upon the recognized survey of the Government, was fully justified in the conclusion that his lease was of a lawful mining claim, and that he was engaged in a legitimate business. He certainly had no reason to expect any litigation from the Government. By the judgment obtained against him he not only suffers a loss of the net value of the mineral, but the Government deprives him of the value of the labor in mining, transporting, and marketing it.

Mr. MANN. Does the gentleman think that the House of Representatives, after the Department of the Interior and the Department of Justice have secured a judgment against a man, ought to favorably act upon a claim before a report of the claim has been printed and filed?

Mr. HOWELL of Utah. This is a Senate bill, and the Senate report is printed and sets forth fully the reasons for this claim. The House report contains no additional information, and I am sure shows a just and equitable claim.

Mr. MANN. I have not been able to obtain a copy of the report.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. Objection is heard.

Mr. MILLER. Mr. Speaker, I move to reconsider the votes by which all of these bills have been passed, and ask that that motion lay on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

M. A. JOHNSON.

The SPEAKER. In regard to the bill (H. R. 15850) for the relief of M. A. Johnson, the House passed to-day a similar Senate bill to this House bill which passed yesterday, but it has not yet been reported from the desk as enrolled.

Mr. MANN. Is this the bill that we passed the resolution upon?

The SPEAKER. No; it is another one.

Mr. MANN. Is the bill still in the hands of the House?

The SPEAKER. Yes.

Mr. WILLIAMS. It is identical to the Senate bill, Mr. Speaker?

The SPEAKER. Identical.

Then, on motion of Mr. MANN, by unanimous consent, the bill H. R. 15850 was taken from the Speaker's table, and the vote by which the bill was ordered to be engrossed, read a third time, and passed was reconsidered, and the bill was ordered to lie on the table.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Disposition of Useless Executive Papers was discharged from further consideration of the communication of the Secretary of the Treasury, dated December 4, 1906, submitting a copy of a report of a joint committee of the Treasury and Post-Office Departments in relation to the destruction of certain papers used in the money-order department, and the same was referred to the Committee on the Post-Office and Post-Roads.

SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. Without objection, the gentleman from Tennessee [Mr. SIMS] will act as Speaker during the services in memory of the late Senator BATE to be held to-morrow.

There was no objection.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

So the House, in accordance with its previous order (at 3 o'clock and 20 minutes p. m.), adjourned until 2 o'clock p. m. tomorrow.

EXECUTIVE COMMUNICATIONS.

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

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Thomas Willis and others against The United States, dismissed for want of prosecution—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John M. McDonald and others against The United States, dismissed on motion of the Assistant Attorney-General—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Columbus*, James Fullerton, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Little John Butler*, James Smith, jr., master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of leases granted during the year 1906—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of citizens of Fort Revere, Hull, Mass.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for laying sidewalks on the road to the national cemetery at Knoxville, Tenn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the board of road commissioners of Alaska of operations for the season of 1906—to the Committee on the Territories, and ordered to be printed with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. W. Walker and others against The United States, dismissed on stipulation of parties—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Louis Wimberly and others against The United States, dismissed on motion of Assistant Attorney-General—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4975) giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States, reported the same without amendment, accompanied by a report (No. 6440); which said bill and report were referred to the House Calendar.

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1178) providing for the resurvey of a township of land in Colorado, reported the same without amendment, accompanied by a report (No. 6441); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce, reported the same with amendment, accompanied by a report (No. 6442); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DAWSON: A bill (H. R. 24602) increasing the pension of dependent widows—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 24603) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 24604) to amend sections 190, 193, and 194 of the Code of Law for the District of Columbia, in relation to the coroner of said District and inquisitions before him—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 24605) granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.—to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 24606) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. BROOCKS of Texas: A bill (H. R. 24607) requiring that suits involving the title to lands or any rights connected with or incident thereto shall be brought only within the division of the circuit or district court in which said land or part thereof is situated—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 24608) to amend the bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States—to the Committee on Military Affairs.

By Mr. RANDELL of Texas: A bill (H. R. 24609) providing for pay and leave of absence of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELL: A resolution (H. Res. 774) requesting the Secretary of the Treasury to furnish the House details of all leases by the Government of land and buildings in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A resolution (H. Res. 775) to continue the employment of the janitor to the Committee on Expenditures in the Navy Department and the lieutenant's guard room—to the Committee on Accounts.

By Mr. REYBURN: A resolution (H. Res. 776) to increase the salary of Thomas M. Hyde, briefing clerk of the House—to the Committee on Accounts.

By Mr. HAMILTON: A resolution (H. Res. 777) increasing the salary of E. L. Lampson and Dennis E. Alward, reading clerks of the House—to the Committee on Accounts.

By Mr. BROWNLOW: A resolution (H. Res. 778) increasing the pay of the document and bill clerk of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 24610) granting an increase of pension to Smith H. Simpson—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 24611) granting an increase of pension to Volney B. St. John—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 24612) granting an increase of pension to Michael Evert—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 24613) for the relief of Mary A. Tyree—to the Committee on War Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 24614) granting an increase of pension to James C. Vance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24615) granting an increase of pension to Lewis W. Crain—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24616) granting an increase of pension to Mathias Shirk—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 24617) granting an increase of pension to Elihu M. Sharp—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 24618) for the relief of the heirs of William Carroll—to the Committee on War Claims.

Also, a bill (H. R. 24619) for the relief of the heirs of James W. Ward—to the Committee on War Claims.

By Mr. JOHNSON: A bill (H. R. 24620) granting an increase of pension to Elizabeth Balew—to the Committee on Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 24621) granting an increase of pension to Elizabeth P. Hargrave—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 24622) granting an increase of pension to Myron H. Perrigo—to the Committee on Pensions.

Also, a bill (H. R. 24623) granting an increase of pension to Solomon C. Grim—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 24624) granting an increase of pension to Justus E. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24625) granting an increase of pension to Henson Wiseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24626) granting a pension to Alfred Johnson—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 24627) granting a pension to Anna M. Hawes—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 24628) to correct the military record of William C. Looper—to the Committee on Military Affairs.

Also, a bill (H. R. 24629) granting an increase of pension to James M. Neal—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 24630) authorizing the President to promote Capt. James Evelyn Pilcher, United States Army, retired, to the grade of major, United States Army, retired—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 24631) granting an increase of pension to James Larkins—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24632) for the relief of the estate of Daniel Y. Grayson, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24633) for the relief of the heirs of William M. Wilson, of Barren County, Ky.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 24634) granting an increase of pension to Lorin B. Ohlinger—to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 24635) granting a pension to Elizabeth Stuessi—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 24636) for the relief of John Bullette—to the Committee on Claims.

By Mr. TYNDALL: A bill (H. R. 24637) granting an increase of pension to Hazen Wardlow—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 24638) granting an increase of pension to Bernard Shallow—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 24639) granting an increase of pension to John C. Opdyke—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18519) granting a pension to Benjamin W. McCray—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Woman's Suffrage Association, of Ohio, for a constitutional amendment granting suffrage to women—to the Committee on the Judiciary.

Also, petition of John A. Brand et al., citizens of New York, against intervention in Kongo State affairs—to the Committee on Foreign Affairs.

Also, petition of the New Century Guild, of Philadelphia, for enactment of legislation for investigation of the social, industrial, educational, and physical condition of women laborers—to the Committee on Labor.

By Mr. ALLEN of New Jersey: Petition of R. C. Tanis, secretary of branch No. 65, National Association of Letter Carriers, Passaic, N. J., for improvement in the postal service on lines recommended by the First Assistant Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petitions of citizens of Sommerville, La.; Greensboro, Ala.; Casper, Nebr.; Greenwood, S. C.; Adams, Ohio; Bellefourche, S. Dak.; Memphis, Mo.; Cotter, Ark.; Dickson, Tenn.; Independence, Oreg.; Alliance, Nebr.; Craighead, Ark.; Somerville, N. J.; Fort Myers, Fla.; Columbus, Ohio; Washington, D. C.; Iowa City, Iowa; and Jackson, Miss., against bill S. 5221, to regulate the practice of osteopathy—to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: Petition of citizens of Huron, S. Dak., for a general treaty of arbitration with all nations—to the Committee on Foreign Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Harriet Crank (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Mary A. Tyree—to the Committee on War Claims.

Also, paper to accompany bill for relief of M. J. Julian—to the Committee on Claims.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of James C. Vance—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lewis W. Crain—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of David Wook—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of W. C. Gurney, general chairman of the committee of adjustment, Delaware and Hudson system, against the sixteen-hour law—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Carbery Camp, No. 11, United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Jesse Taylor, secretary of National Council, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Margaret Adams—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of the widow and heirs at law of John Dogherty—to the Committee on War Claims.

By Mr. JOHNSON: Paper to accompany bill for relief of William Pollard (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of Spanish War Veterans of Pittsfield, Mass., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of Laura G. Hight—to the Committee on Pension.

By Mr. LOVERING: Petition of citizens of Barnstable County, Mass., against abolition of the custom-house at Barnstable—to the Committee on Ways and Means.

By Mr. MAYNARD: Papers to accompany bill granting the Norfolk and Portsmouth Traction Company the right to operate trains through military reservation on Willoughby Spit, Norfolk County, Va.—to the Select Committee on Industrial Arts and Expositions.

By Mr. PADGETT: Paper to accompany bill for relief of James Larkins—to the Committee on Invalid Pensions.

By Mr. POU: Petitions of the Edwards & Broughton Printing Company, the Raleigh Evening Times, and the Raleigh

Progressive Farmer, against duty on linotype machines—to the Committee on Ways and Means.

By Mr. RANDELL of Texas: Petitions of citizens of Dorchester, Bells, Hail, Hagerman and Locust, Monkstown, Fannin County, Gover, Pilot Grove, Farmersville, Gunter, Randolph, Grayson County, Emery, Whitesboro, Savoy, Collinsville, Hyde Park, Kentuckytown, Southmayd, Denison, Dripping Springs, Des Voigues, and Tioga, and city councils of Denison and Bailey, Tex., for an appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Louisiana: Paper to accompany bill for relief of estate of Daniel Y. Grayson—to the Committee on War Claims.

By Mr. REYBURN: Petition of Robert Folk, of Philadelphia, against amendment to the copyright bill inimical to published photographs in newspapers—to the Committee on Patents.

Also, paper to accompany bill for relief of Isaac Williams (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. SMITH of Pennsylvania: Petition of 36 members of Troop D, State police, Punxsutawney, Pa., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Paper to accompany bill for relief of Archibald Bamber—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of George A. Wood—to the Committee on War Claims.

By Mr. WILLIAMS: Paper to accompany bill for relief of James M. Dick (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of John C. Opdyke—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SUNDAY, *January 20, 1907.*

The House met at 2 o'clock p. m., and was called to order by Hon. THETUS W. SIMS, of Tennessee, Speaker pro tempore.

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

Infinite Spirit, Father of all souls, we bless and adore Thy holy name for Thy goodness and for Thy wonderful works to the children of men. Especially do we thank Thee for the pure, the noble, the true, the great men whom Thou hast raised up in every age of the world's history as beacon lights to guide their successive generations onward and upward to higher civilization. We are here to-day to commemorate the life and character of such a man, one who by dint of his devotion to duty rose step by step to eminence and leadership; a soldier brave and valiant in two wars; a student ever seeking truth; a statesman working for the good of his countrymen. We bless Thee for what he did, yet more for what he was. His character will live and be a special guide to those who shall come after him to high living and to noble life. Bless and comfort, we pray Thee, the bereaved, those who mourn his loss. A loving father, a faithful husband, a dutiful son, beautiful in his devotion to his mother, seeking religion at the same altar where she worshiped, baptized in the same stream where she was baptized, living always near to Thee. O God, we pray Thee to comfort the living with the blessed hope that some time, somewhere, they will go to him and dwell forever in his presence. And peans of praise we will ever give to Thee. In Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. GAINES of Tennessee. Mr. Speaker, I ask the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. W. B. BATE, late Senator from the State of Tennessee.

Resolved, That as a further mark of respect to the memory of the deceased and in recognition of his distinguished career and his great service to his country as a United States Senator, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that those Members who are absent and unable to be present and speak to-day may have leave to print remarks in the RECORD on the life and character of the late Senator BATE, and those who speak may extend their remarks, if they so desire.

The SPEAKER. Without objection, the request of the gentleman from Tennessee will be agreed to.

There was no objection.

Mr. GAINES of Tennessee. Mr. Speaker, WILLIAM BRIMAGE BATE was born October 7, 1826, near Bledsoe Lick, Castalian Springs, Sumner County, Tenn., and died March 9, 1905, at 6 a. m., in his apartments, Ebbitt House, Washington, D. C., having only a few days before, for the fourth time, taken the oath as Senator from the State of Tennessee.

He received his early education in a school, known then as "Rural Academy," near his birthplace. Between sessions he worked on the farm. His father, James H. Bate, a pioneer, died when this son was about 15 years of age. Of these pioneers Gen. Andrew Jackson says:

A man who is born and reared amongst this people deserves but little credit for being a soldier and a gentleman, for he can't help it.

Senator BATE was both.

After the death of his father, young BATE continued to work on the farm and attend the country school for about two years, when he sought a wider field of action, and next we hear of him employed as a "second clerk" on the *Saladin*, a boat plying the Cumberland and Mississippi rivers between Nashville, Tenn., and New Orleans. He was thus employed when this boat, in 1846, collided with and sank the *Congress* on the Mississippi River near Washington Point.

When the Mexican war began with the United States he was in New Orleans, where, May 15, 1846, he joined the army of his native country to serve six months, which he did, and was "honorably mustered out at New Orleans August 14, 1846, with his regiment and company." The press states that he was the first Tennessean to reach the scene of hostilities.

On October 2, 1847, at Nashville, Tenn., he reentered the "service, returned to Mexico, did his duty well, and was again honorably mustered out at Memphis, Tenn., July 22, 1848, with his regiment and company."

Desiring to get, if possible, correct information of at least the main features of his military record, my request for this intelligence was promptly honored by the War Department, through its very efficient Military Secretary, as shown by the following correspondence:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, June 16, 1906.

Hon. JOHN W. GAINES,
House of Representatives.

DEAR SIR: In compliance with the request contained in your letter of the 14th instant, I have the honor to transmit herewith a statement of the military service of the late Senator WILLIAM B. BATE.

Very respectfully,

F. C. AINSWORTH,
The Military Secretary.

MEXICAN WAR.

Statement of the military service of William B. Bate, war with Mexico.

WILLIAM B. BATE was mustered into the service of the United States at New Orleans, La., May 15, 1846, as a sergeant in Company F, Fourth Louisiana Infantry, to serve six months. The regiment arrived at Brazos Santiago May 26, 1846, and at Lomita, Mexico, June 4, 1846. He was honorably mustered out of service with his company and regiment as a private at New Orleans, La., August 14, 1846.

He reentered the service at Nashville, Tenn., October 2, 1847, as a private in Company I, Third Tennessee Infantry, commanded by Col. Benjamin F. Cheatham, to serve during the war, and was promoted to be first lieutenant of the same company October 8, 1847. He accompanied his regiment to Mexico, in which country it was stationed at the City of Mexico, Veracruz, Jalapa, Puebla, and Molino del Rey. Returning to the United States, he was honorably mustered out with his company and regiment at Memphis, Tenn., July 22, 1848.

We see, when his country no longer needed his military services, he returned to the civic circle of life and established and edited at Gallatin, Tenn., a weekly newspaper called the "Tenth Legion."

He soon attracted the attention of the people, in fact, throughout his life he was their champion.

When about 23 years old he served one term—1849-50—in the lower house of the Tennessee legislature. His campaign for this office became historic, and is, with pride, often recalled by the old citizens of middle Tennessee. There were nine candidates, but Lieutenant BATE'S main competitor was the late Gen. George Maney, a gentleman of great natural ability, scholarly, and a fluent speaker. They were both young men of great promise, but the young lieutenant was elected.

Concluding his legislative services, he entered the noted Cumberland University, Lebanon, Tenn., from which he graduated in 1852. He formed a partnership with Maj. George W. Winchester, one of Tennessee's most gifted speakers and able lawyers, and began the practice of his profession at Gallatin, Tenn. Two years thereafter he was elected attorney-general