Also, petition of members of St. John's Cantins Congregation, of Sobieski, Wis., against expropriating the Poles in Germany—to the Committee on Foreign Affairs.

Also, petition of citizens of Oconto and Shawano counties, Wis., against expropriating the Poles from their native land—to the Committee on Foreign Affairs.

By Mr. LASSITER: Petition of merchants of Farmville and Burkeville, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLEFIELD: Petition of H. H. Richards and others, for a national highway commission—to the Committee on Agriculture.

By Mr. LIVINGSTON: Paper to accompany bill for relief of estate of Daniel B. Ladd—to the Committee on War Claims.

By Mr. McKINNEY: Petition of George Crook Post, No. 81, Grand Army of the Republic, of Kirkwood, Ill., for retention of pension agencies—to the Committee on Appropriations.

By Mr. MOUSER: Petition of citizens of Clyde, Ohio, and merchants of Carey, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Albino Vigil (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. NYE: Petition of citizens of Minneapolis, in favor of the Appalachian Forest Reserve—to the Committee on the Judiciary.

Also, petition of many ministers of Minneapolis, Minn., against further enlargement of the Navy—to the Committee on Naval Affairs.

Also, petition of Brotherhood of Locomotive Engineers of Minneapolis, Minn., in favor of passage of the Rodenburg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Engineers of Minneapolis, Minn., in favor of the passage of the La Follette-Sterling employers' liability bill—to the Committee on the Judiciary.

By Mr. OLCOTT: Petition of Edmund Wetmore and Henry Russell Drowne, directing publication of certain records of the Continental Records—to the Committee on the Library.

By Mr. PADGETT: Papers to accompany bills for relief of heirs of John H. Birdsong, estate of Martha B. Skillern, estate of Daniel Foresee, and Cynthia McGavack—to the Committee on War Claims.

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

By Mr. RIORDAN: Petition of board of managers of Sons of the Revolution, for appropriation to preserve the records and documents of the American Revolution—to the Committee on Military Affairs.

Also, petition of Pacific Coast Lumber Association, for amendment of interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Newspaper Publishers' Association, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of People's Forum, of Buffalo, N. Y., against Penrose bill, granting additional powers to Postmasters-General—to the Committee on the Post-Office and Post-Roads.

Also, petition of United Mine Workers of America, against decision of Judge Dayton—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, for bureau of mines—to the Committee on Mines and Mining.

By Mr. SHEPPARD: Petition of citizens and societies in Texas, for restoration of motto "In God we trust"—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany bill for relief of Jones Sutton—to the Committee on War Claims.

By Mr. SHERMAN: Petition of Retail Druggists' Association of Rome, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of Fred Hargreaves and 21 others, of Harbor Beach, Mich., for prohibition bill and interstate liquor bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of citizens of Spanish Fort, Montague County, Tex., against the Penrose bill aurthorizing Postmaster-General to outlaw certain newspaper publications—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of Farmers' Club of Bloomington, Ill., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Hotel Imperial manager, favoring the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Ansel E. McMurtsy, of Kansas City, for the Kittredge-Barchfeld bill—to the Committee on Patents.

Also, petition of New York Sons of Revolution, for appropriation to publish and preserve certain documents of the Revolution—to the Committee on Military Affairs.

By Mr. WEEMS: Paper to accompany bill for relief of John L. Smith—to the Committee on Invalid Pensions.

By Mr. WILEY: Petition of Board of Trade of Apalachicola, Fla., indorsing recommendations of national rivers and harbors convention held in Washington, December 4, 5, 6, 1907—to the Committee on Rivers and Harbors.

Also, petition of residents of Marlow, Ala., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of residents of Marlow, Ala., for passage of H. R. 40—to the Committee on the District of Columbia.

Also, petition of residents of Marlow, Ala., against S. 1519, against issuance of money orders, etc., on Sundays—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petitions of C. C. Ricker and 14 others, of Clinton County; D. G. Wilson and 28 others, of Potter County; E. S. Jennings and 25 others, of Tioga County; Wallace Burdic and 31 others, of Potter County; W. E. Metzger and 37 others, of Union and Lycoming counties; J. E. Brounlee and 14 others, of Costello and Potter counties; Walter A. Palmeter and 52 others, of Potter County; A. E. Odell and 26 others, of Potter County; Charles E. Brewster and 33 others, of Tioga County; C. H. Horton and 18 others, of Tioga County, and J. B. Merrick and 35 others, of Potter County, all in the State of Pennsylvania, for S. 3152, additional protection to dairy interests—to the Committee on Agriculture.

By Mr. WOOD: Petition of Windsor (N. J.) Grange, No. 40, Patrons of Husbandry, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Frank M. Gress (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 7, 1908.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

We thank Thee, our Father in heaven, for the beautiful custom, long since established in the Congress of the United States, of memorializing those of its Members who pass from earth to the realms beyond and rest from their labors. "The righteous shall be in everlasting remembrance and the memory of the just shall be blessed." It quickens the nobler aspirations of those who survive and emphasizes the virtues of those who have passed on. Bless the special service of the hour in memory of one who served faithfully and efficiently upon the floor of this House and left behind him a record worthy of an American statesman, who in war and in peace lived to his convictions, and died respected and beloved by all who knew him.

Let the everlasting arms be about the bereaved family to uphold and sustain them in their affliction and comfort them in the hope of a family reunion in the realms above where there shall be no more sorrow and no more tears, and Thine be the praise, through Jesus Christ our Lord. Amen.

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

ELIZABETH H. OLCOTT.

Mr. LOUDENSLAGER. Mr. Speaker, I ask that the bill H. R. 2429 be taken from the Speaker's table.

The SPEAKER. The Chair lays before the House the bill H. R. 2429, entitled "An act granting an increase of pension to Elizabeth H. Olcott," with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

BRIDGE ACROSS BAYOU BARTHOLOMEW AT PORTLAND.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17510) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

The Clerk read as follows:

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto, across the Bayou Bartholomew, at Portland, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

In line 5 strike out the words "they are" and insert in lieu thereof the word "is."

The SPEAKER. Is there objection?

There was no objection.

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; and being engrossed, it was accordingly read the third time and passed.

The title was amended to read as follows:

A bill to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid upon the table.

BRIDGE ACROSS BAYOU BARTHOLOMEW, AT WILMOT.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17512) to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Ashley, a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Bayou Bartholomew at Wilmot, in the State of Arkansas, 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 amendment recommended by the committee was read, as follows:

In line 5 strike out the words "they are" and insert in lieu thereof the word "is."

The SPEAKER. Is there objection?

There was no objection.

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

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

The title was amended to read as follows:

A bill to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

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.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid upon the table.

WITHDRAWAL OF PAPERS.

Mr. WEBB, by unanimous consent, was granted leave to withdraw from the files of the House without leaving copies the papers in the case of W. J. Roberts' pension claim, invalid pensions, Fifty-ninth Congress, no adverse report having been made thereon.

THOMAS P. MORGAN, JR.

The SPEAKER. The Clerk will report the first bill in order on the Private Calendar under the order adopted on yesterday.

The Clerk read as follows:

A bill (H. R. 1081) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims.

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 Thomas P. Morgan, jr., $6,357.82, in satisfaction of the findings of the Court of Claims of the United States in the case of Thomas P. Morgan, No. 692, Congressional, on the dockets of said court, said amount being the sum due said Morgan on a dredging contract in Norfolk Harbor with the Government, and for which the Government got value received.

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

In line 8 add the word "junior" after the word "Morgan."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I want to say that the bill would take too long a time for consideration, and I think it ought not to be considered at this time. For that reason I shall have to object.

WILLIAM PARKER SEDGWICK.

The SPEAKER. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 1199) for the relief of William Parker Sedgwick.

The SPEAKER. Is there objection?

Mr. MANN. I object, Mr. Speaker.

WILLIAM S. SHACKLETTE.

The SPEAKER. The Clerk will report the title of the next bill.

The Clerk read as follows:

A bill (H. R. 12476) to place the name of William S. Shacklette on the retired list of the Navy as pharmacist.

Mr. CARLIN. Mr. Speaker, I desire to offer the following amendment.

Mr. HULL of Iowa. Mr. Speaker, reserving the right to object, I would like to hear what this is about.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of pharmacist, William S. Shacklette, formerly a hospital steward on the U. S. S. Bennington, and to receive three-fourths sea pay in lieu of the $30 per month pension which he is now receiving for total disabilities incurred at the time of the explosion of the boilers of the U. S. S. Bennington in July, 1905.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will say that the Secretary of the Navy recommended an amendment to this bill, and if the gentleman in charge of the bill is willing to put it in the bill I certainly would have no objection.

Mr. CARLIN. Mr. Speaker, I send the amendment to the Clerk's desk.

The SPEAKER. The amendment will be reported.

The Clerk read as follows:

Strike out all after the word "Navy," in line 6, down to the words "in lieu of," in line 8, and substitute therefor the following:

"As a hospital steward, William S. Shacklette, formerly a hospital steward on the U. S. S. Bennington, to receive the rank and three-fourths of the sea pay of a pharmacist in the Navy."

The SPEAKER. Is there objection to the consideration of the bill with the proposed amendment? [After a pause.] The Chair hears none.

The question was taken, and 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.

JAMES BEHAN.

The next business on the private Calendar was the bill (H. R. 3822), for the relief of James Behan.

The bill was read, as follows:

A bill (H. R. 3822) for the relief of James Behan.

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 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.

ROMAN SCHOLTER.

The next business on the private Calendar was the bill (H. R. 6664) for the relief of Roman Scholter.

The bill was read, as follows:

A bill (H. R. 6664) for the relief of Roman Scholter.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Roman Scholter, of Oshkosh, Wis., out of any money in the Treasury not otherwise appropriated, the sum of $432, said amount having been erroneously paid by the said Roman Scholter to the United States Government as duty upon pictorial paintings on glass, being works of art imported expressly for presentation to an incorporated religious society.

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.

GRANTING LANDS IN KNOX COUNTY, NEBR.

The next business on the Private Calendar was the bill (H. R. 10671) to authorize the Secretary of the Interior to

issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.

The bill was read, as follows:

A bill (H. R. 10671) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to issue patent in fee simple to school district No. 36, Knox County, Nebr., for a tract of not exceeding 2½ acres from the lands reserved for the Santee Agency, Nebr., described as the northwest quarter of the southwest quarter of the southeast quarter of the northwest quarter of section 13, township 33 north, range 5 west, of the sixth principal meridian, Nebraska, upon such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; said tract to be used for school purposes under the laws of the State of Nebraska.

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr."

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.

H. C. LINN AND SAMUEL POWELL.

The next business on the Private Calendar was the bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

The bill was read, as follows.

A bill (H. R. 14000) for the relief of H. C. Linn and Samuel Powell.

Be it enacted, etc., That H. C. Linn and Samuel Powell be, and are hereby, permitted to bring suit in the Court of Claims for whatever amount may be reasonably due them, if any, under their contract in writing, dated October 28, 1899, with J. H. Dick, as attorney for certain Cherokee Indians known as "Eastern" or "Emigrant" Cherokees. The said court is hereby given jurisdiction to entertain said suit and render final judgment therein, payable out of the amount appropriated by the act of Congress entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved June 30, 1906, to pay the final judgment rendered by said court in the consolidated causes lately pending therein, Nos. 23195, 23214, and 23212. In said suit the said J. H. Dick and the said Eastern or Emigrant Cherokees, collectively, shall be named as defendants, and the court may require such other person or persons to be made parties as may to the court seem proper for the equitable adjustment of the matter in controversy and for such purposes as the court may designate. Upon the institution of such suit written notice thereof to said Eastern or Emigrant Cherokees may be given by service on the Secretary of the Interior personally, and notice of said suit to the other defendant or defendants shall be given by publication or otherwise, as the court may direct. Pending final judgment in said suit so much of the amount heretofore appropriated by the act of June 30, 1906, as aforesaid, as may be necessary to pay said judgment shall be withheld from distribution.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

Mr. CAMPBELL. Mr. Speaker, I wish the gentleman would withhold his objection.

Mr. MANN. Will not the gentleman reserve his objection?

Mr. FITZGERALD. If the gentleman wishes to make a statement, I will withhold the objection for that purpose. I am familiar with these claims. I reserve the objection.

Mr. CAMPBELL. Mr. Speaker, the purpose of this bill is to give these claimants a day in court. I understand it will impose no additional burden either upon the Government or the Indians or their property. It is claimed in behalf of these claimants that they did the work that entitles some one to a fee in this case. They entered into the original contract. They performed the work under the contract, but when the case was finally closed they were not taken into consideration. I am told that a sufficient amount to pay this claim has been retained from the amount allowed as a fee in this matter. It is only a question as to whether or not these men shall receive the amount to which they were entitled as fees in the case, and it imposes no additional expense either upon the Government or upon the Indians. It is a question of the distribution of the fee, and they simply ask the court to pass upon their rights.

Mr. MANN. Will the gentleman yield to a question?

Mr. CAMPBELL. Yes.

Mr. MANN. Is the gentleman informed as to how much of this fund has alread been paid in attorney's fees?

Mr. CAMPBELL. I am not.

Mr. MANN. Is the gentleman informed as to the size of the fund?

Mr. CAMPBELL. And I am not informed as to that particular matter.

Mr. MANN. I believe the size of the fund was $5,000,000. Fifteen per cent of that fund has already been paid to one set of attorneys and now another set of attorneys want another 10 per cent. Does the gentleman think the Government of the United States—the guardian and the custodian for the Indians to pay out this Indian money—ought to pay 25 per cent of the amount awarded—$5,000,000—for attorneys' fees?.

Mr. CAMPBELL. Well, if the Government, as such trustee, paid wrongfully the 15 per cent to men who are not entitled to the whole of it, it seems to me that some steps should be taken to do justice to the men who are entitled to their portion of it.

Mr. MANN. I do not know whether the Government paid it wrongfully. It paid it by order of court, after adjudication.

Mr. CRUMPACKER. The Government ascertained the facts in the case, and the question is, What shall be done?

Mr. MANN. Not at all.

Mr. CRUMPACKER. There was an order of court made for the payment of fees. As I remember the order, this was in addition.

Mr. MANN. This is an addition. The gentleman from Kansas [Mr. CAMPBELL] was mistaken when he said that the fund was being held up for the disposition of this dispute. The original fund has not yet been distributed under the appropriation of Congress.

Mr. CAMPBELL. That was my understanding, and it was upon that that I made the statement.

Mr. MANN. But the attorney's fee has been paid, an enormous attorney's fee allowed by the court after adjudication. Now it is proposed to pay 10 per cent more—$500,000, and to these particular people $250,000.

Mr. TAWNEY. If the gentleman will permit me, in the last session of Congress, during the consideration of the general deficiency bill, which carried an appropriation of $5,000,000 for the payment of this claim, this proposition to allow these two attorneys' fees in this case was offered as an amendment to that bill, and considered by the House and voted down at that time.

Mr. FITZGERALD. Mr. Speaker, I simply wish to say this to the gentleman from Kansas: These Indians received $5,000,000. The court fixed the fees of the attorneys in that case at 15 per cent. These two men claim to have a contract, and instead of tying up the money that was allowed to the attorneys, and having the courts divide that fund among those who might be entitled to it, they ask that Congress now authorize the courts to distribute 10 per cent more of the $5,000,000 among other attorneys. Such a bill as that shall not pass by unanimous consent while I am in the House.

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

ESTATE OF SAMUEL BEATTY, DECEASED.

The next business was the bill (H. R. 13777) for the relief of the estate of Samuel Beatty, deceased.

The bill was read.

Mr. MANN. I make the point of order that that bill is not in order at this time.

The SPEAKER. It is not in order. The Clerk will report the next bill.

ESTATE OF D. S. PHELAN.

The next business was the bill (H. R. 1815) for the relief of the estate of D. S. Phelan.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of D. S. Phelan, late of the State of Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $169.02, balance in full of account due to the said D. S. Phelan for services rendered as mail contractor on route 10195, in the State of Tennessee, from January 1 to June 30, 1861.

Mr. MANN. Mr. Speaker, that bill was originally referred to the Committee on War Claims, but was afterwards transferred to the Committee on Claims on February 3.

The SPEAKER. The bill was referred to the Committee on War Claims, but the reference seems to have been changed, for the gentleman from Mississippi [Mr. CANDLER], from the Committee on Claims, submits the report.

Mr. MANN. I investigated the matter in the Journal clerk's office, and the record there shows that the bill was transferred from the Committee on War Claims to the Committee on Claims on February 3.

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

There was no objection.

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

CLARENCE FREDERICK CHAPMAN.

The next business was the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the United States Navy be, and he is hereby, authorized and directed to restore to the roll of the Navy the name of Clarence Frederick Chapman, as ordinary seaman, and to honorably discharge said Clarence Frederick Chapman from the Navy, regardless of the findings of the court-martial held on board the

U. S. S. Kearsarge, off Provincetown, Mass., July 3, 1905, and to pay to the said Clarence Frederick Chapman the sum of $316, being the amount of pay forfeited by the findings of said court-martial.

With the following committee amendments:

In line 6 strike out the word "honorably."

Strike out all after the word "five," in line 10, and add:

"*Provided*, That no pay, bounty, or emoluments be allowed by reason of the passage of this bill."

Mr. MANN. Mr. Speaker, reserving the right to object, I want to say to my colleague [Mr. FOSTER of Illinois] that I do not know whether this bill is introduced for the purpose of getting a pension or not. A very strong case is made in the report, and apparently the Navy Department itself reports that it would have reinstated the man if it could, but the bill as amended will not warrant the payment of a pension.

Mr. FOSTER of Illinois. I desire to say to the gentleman that the purpose of this bill is not to obtain a pension, but to clear the record of this young man, who we think was unduly punished.

Mr. FITZGERALD. I call the attention of the gentleman to the fact that if this bill passes as amended this man will get a discharge without honor, which is practically of no use to him for any purpose. He will not be an honorably discharged man.

Mr. MANN. I think myself he ought to have an honorable discharge.

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

There was no objection.

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

Mr. FOSTER of Illinois. Mr. Speaker, I want to ask the consideration of the House to vote down this amendment which seeks to deny him an honorable discharge. The first amendment provides that the word "honorable" be stricken out, and I ask that that amendment be voted down.

The SPEAKER. The gentleman desires to test the sense of the House, as the Chair understands him, on agreeing to the first amendment, which proposes to strike out the word "honorable."

Mr. FOSTER of Illinois. Yes, Mr. Speaker; I ask that that amendment be voted down.

The SPEAKER. And the gentleman desires that the man receive an honorable discharge.

The question was taken on the first amendment, and the amendment was rejected.

The SPEAKER. The question is on the second amendment.

The second amendment was considered and agreed to.

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

EASTERN SALT COMPANY, OF BOSTON, MASS.

The next business on the Private Calendar in order under the rule was the bill (H. R. 14361) to reimburse the Eastern Salt Company, of Boston, Mass., for certain excess duty.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Eastern Salt Company, of Boston, Mass., the sum of $384.84, the same being the amount of money paid by them as excess duty on certain salt in bulk, said salt having been erroneously appraised on entry.

The following committee amendment was also read:

In line 8, after the word "bulk," insert "imported by the schooner Norumbega, July 2, 1900."

The SPEAKER. Is there objection?

Mr. MANN. I think we ought to have some explanation of the bill.

Mr. PAYNE. I suppose the bill properly ought to go to the Committee on Ways and Means.

Mr. MANN. That is what I thought.

Mr. PAYNE. I have gone through the report, and if the facts are as there stated there is no objection to the bill passing.

Mr. MANN. Will the gentleman from New York tell us something about it?

Mr. PAYNE. A cargo of salt was imported, and the bill of lading referred to it as so many hundred barrels of salt. Salt in bulk pays one rate of duty and salt in barrels pays double that rate. On this cargo there was levied and collected the duty on salt in barrels, because it was described in the bill of lading as salt in barrels. The evidence seems to be ample that the salt was in bulk, and the bill of lading referred to it as so many barrels as a means simply of describing the quantity of salt. Therefore I think they are entitled to have the excess of duty remitted. They furnish a plausible excuse for not discovering the discrepancy at the time. The clerk who had charge of the payment of customs duties was absent on his vacation, and they did not discover it until it was too late to file a protest.

Mr. MANN. I do not wish to enter into a tariff discussion, but I would like to ask such eminent authority as the gentleman from New York why there is this difference of duty between salt in bulk and salt in barrels?

Mr. PAYNE. I will not undertake to give the gentleman from recollection now the reasons for the difference.

Mr. OLMSTED. The difference is in order to protect the labor which makes the barrels in this country.

The SPEAKER. Is there objection?

There was no objection.

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

GRANT OF LAND AT FORT NIOBRARA MILITARY RESERVATION, NEBR.

The next bill on the Private Calendar under the rule was the bill (S. 1931) to grant certain land part of the Fort Niobrara Military Reservation, Nebr., to the village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the village of Valentine, a duly incorporated municipality under the statutes of the State of Nebraska, the northwest quarter and the north half of the southwest quarter of section 30, township 34 north, range 27 west, sixth principal meridian, in the State of Nebraska, the same being now a part of the Fort Niobrara Military Reservation, the property of the United States: *Provided*, That the said tract shall be used by said village in supplying water to said village and its inhabitants, and not for other purposes: *Provided further*, That if the said village of Valentine shall cease the use of said land for a site to supply the said village and its inhabitants with water, the title hereby vested in it shall immediately revert to the United States.

The following committee amendments were read:

After the word "Nebraska," in line 5, insert the words "an easement in, on, and over."

After the words "United States," in line 10, insert the words "for the purpose of supplying to said village and its inhabitants water from a stream thereon, with the privilege to erect, construct, and maintain a dam, reservoir, and other facilities proper and convenient to the enjoyment of such easement."

Strike out all after the word "purposes," in line 2, page 2, and insert in lieu thereof a period.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not wish to object to the consideration of the bill, but when consideration is reached I would like to ask the gentleman in reference to this bill. It was originally introduced as a straight grant and reported in as an easement in reference to water. Does the village propose to use all of this land; and if so, how? If it is to be used, what is the object in giving it an easement? If it is to be actually used, why does not the Government give it the land? It is a bill that I have not been able to understand.

Mr. KINKAID. The title to the land would be acceptable. The bill passed the Senate giving the title to the land as long as the water power was furnished for the village and its inhabitants. An objection was made to that by the House Committee on Military Affairs, and the contending parties agreed, finally, upon the bill introduced in its present form to give the village the use only for the purposes expressed, instead of granting the village title to the land to be used for the purpose expressed.

Now, it is to be used for the purpose of the erection and maintenance of a reservoir and to furnish water for the village and its inhabitants and for the transportation of water to the village across the land. It will use only such as may be necessary for the purpose expressed in the bill. That is all that is designed.

Mr. MANN. But the trouble is, Mr. Speaker, that if we grant an easement over a large piece of land what can we do with the land? If the village wants it, why don't we give the village the land? If the village does not want it, why do we reserve an easement on it so that we can not do anything else with it?

Mr. KINKAID. There is plenty of time to give the village the land in the future, if it shall be deemed expedient. If the Government wishes to part with the title, the village and private individuals will accept the title, but we are asking not for too much——

Mr. MANN. But we surely have the right to expect that some reason will be given why this is done.

Mr. PAYNE. Mr. Speaker, the reason indicated seems to be that the Government is holding a string on this land so that if the village does not wish to continue its use as a reservoir site it will revert to the Government. They simply give them an easement, and if the village discontinues the use of it the land reverts to the Government. Is not that the idea?

Mr. KINKAID. Yes.

Mr. PAYNE. Of course it originated in the Senate, and I recognize the embarrassment of my friend from Nebraska trying to explain what was meant in another body. That is the only thing I can dig out of it. The idea was evidently in the mind of the gentleman who drew the bill that if the land was

not used for a reservoir site, it would belong to the Government without any further transfer, nothing but an easement having been given.

Mr. MANN. I may say to my friend from New York [Mr. PAYNE] that I understand that most of this land is not to be used for a reservoir site, but quite the contrary. Most of it is not to be used at all by the village, but the easement is granted over all of it, so that the town is entitled to it.

Mr. PAYNE. I would like to ask the gentleman from Illinois [Mr. MANN] if he ever knew of a case of a village trying to get land that it did not try to get a little more than it needed, in order to relieve Uncle Samuel to that extent from the care of his possessions?

Mr. MANN. Well, I would not want to undertake to say that. If it was the city of Chicago, we would not ask for anything more than we needed, being of a modest disposition—not as the gentleman from Nebraska [Mr. KINKAID] is. [Laughter.]

Mr. PAYNE. Is it not a fact that Chicago is taking everything in sight, and is it not trying now to extend itself into Indiana for the same purpose?

Mr. MANN. No; Chicago does covet the friendship and good will of Indiana, and would not object if it had part of that territory, but so far from attempting to take any of it away from Indiana, it attempts to throw the blanket of its good will over into Indiana.

Mr. PAYNE. It has gone clear out into the middle of the lake in order to get a drink of water.

Mr. MANN. Well, some gentlemen go farther than that to get a drink of water. [Laughter.]

Mr. DAWSON. Mr. Speaker, as this discussion is closed, I would like to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 5, on page 2, insert:

"*Provided further*, That this privilege shall not interfere with any existing vested rights."

Mr. KINKAID. Mr. Speaker, that amendment is acceptable.

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

The amendment was agreed to.

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

A. E. COUCH.

The next business was the bill (H. R. 12292) for the relief of A. E. Couch.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $42.85 be, and the same is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to A. E. Crouch, of Carterton, Russell County, Va., being the amount of costs deposited by the said A. E. Couch with the Hon. L. P. Summers, collector of the sixth collection district of Virginia, and inadvertently by the said collector deposited to the credit of the Treasurer of the United States, when said sum should have been deposited with the Secretary of the Treasury as an offer of compromise of a certain criminal prosecution then pending in the United States district court for the western district of Virginia, against the said A. E. Couch, the said sum having been deposited in the Treasury of the United States on the 17th day of May, 1905.

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

Mr. MANN. Mr. Speaker, I think we ought to have some information about the bill.

Mr. SLEMP. Mr. Speaker, I will ask to have the Clerk read the report on the bill.

The SPEAKER. The Clerk will read the report in the time of the gentleman from Virginia.

The Clerk read as follows:

[Report to accompany H. R. 12292.]

The Committee on Claims, having considered the bill (H. R. 12292) for the relief of A. E. Couch, report the same favorably to the House and recommend its passage.

The facts in this case are fully set forth in the letter of the honorable the Secretary of the Treasury of date February 20, 1908, which is made a part of this report:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 20, 1908.

SIR: I have the honor to acknowledge receipt from you of H. R. 12292, being a bill for the relief of A. E. Couch, of Carterton, Russell County, Va. It proposes an appropriation of $42.85, to be returned to the said Couch as an amount deposited by him with the collector of internal revenue and by the collector deposited to the credit of the Treasurer of the United States. This Department is requested to state the facts of the case and its views upon the merits of the bill.

The records of this Department show that in the year 1905 A. E. Couch was charged with a violation of the internal-revenue laws. He sought to compromise his liability and offered and paid the sum of $232.85 to the collector of the Sixth District of Virginia, of which amount $42.85 was paid as costs which had been incurred in the criminal proceeding pending against him.

The offer in compromise having been rejected, the proponent applied for the return of the money deposited. The sum of $190 being on deposit to the credit of the Secretary of the Treasury was returned to the proponent. The sum of $42.85 having erroneously been deposited by the collector to the credit of the Treasurer of the United States, could not be returned.

The total sum deposited by the proponent as an offer in compromise of his liability—$232.85—having been offered for a specified purpose, and the offer having been rejected and $190 returned to him, the balance of $42.85 appears to be justly due him.

Respectfully,

GEO. B. CORTELYOU, *Secretary.*

The CHAIRMAN COMMITTEE ON CLAIMS,
House of Representatives.

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

GEORGE H. PENROSE.

The next business on the Private Calendar under the order was the bill (H. R. 16471) for the relief of George H. Penrose.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, authorized and directed to credit in the accounts of Capt. George H. Penrose, Quartermaster's Department, United States Army, the sum of $5,151.90 standing against him on the books of the Treasury, the said sum having been embezzled by one McCaull through no fault of the officer.

The amendments were read, as follows:

In line 7, strike out the word "ninety," and insert in lieu thereof the word "eighty-nine," and in line 8, after the word "Treasury," insert the words "of which the sum of $3,331.48 pertains to the Quartermaster's Department, and the sum of $1,820.41 pertains to the Subsistence Department."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think it is due to the House we have a full statement in regard to a bill of this sort, which is very unusual.

Mr. OVERSTREET. Mr. Speaker, I may say this bill is recommended by the Secretary of War and has a unanimous report from the Committee on Claims. No better explanation could be made than the reading of the brief statement which I send to the Clerk's desk and ask to be read in my time.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT.

Credit in the accounts of Capt. George H. Penrose, Quartermaster's Department—

That the accounting officers of the Treasury be, and they are hereby, directed to credit in the accounts of Capt. George H. Penrose, Quartermaster's Department, the sum of $3,331.48 of funds pertaining to the Quartermaster's Department, and $1,820.41 of funds pertaining to the Subsistence Department, now standing against him on the books of the Treasury (submitted).

NOTE.—On July 1, 1901, Capt. P. H. McCaull, assistant quartermaster of volunteers, was relieved from duty as quartermaster of the transport *Egbert* by Capt. George H. Penrose, quartermaster, United States Army. The *Egbert* was then at Seattle, Wash., undergoing repairs, with a view to carry troops and stores to Alaska. Upon Captain McCaull's relief, public funds to the amount of $9,513.41 were transferred to Captain Penrose, of which the sum of $3,445.92 seems to have been disbursed by him prior to the sailing of the transport, leaving a balance unexpended of $6,067.49. The quartermaster's clerk on the *Egbert*, John McCaull, was the son of Capt. P. H. McCaull, and had served in the capacity of clerk since April 14, 1889. Upon the urgent representations of Captain McCaull as to his capacity and integrity, he was continued in service by Captain Penrose. On July 31, 1901, Clerk McCaull disappeared. The doors of the storeroom and safe were immediately broken open by Captain Penrose, and the contents of the safe were examined in the presence of Lieut. P. H. Mullay, Fourteenth Infantry. The sum of $915.60 in gold and silver was found, but funds to the amount of $5,151.89 were missing. A sealed package, shaped like a package of bills, was found, marked "Capt. P. H. McCaull, Asst. Q. M. funds, 1901, $4,060." Immediately efforts were made to apprehend the absconding clerk, and a prosecution was at once instituted at the request of the War Department, but he was never apprehended. It was found, however, that on July 29, 1901, he had deposited the sum of $4,062.02 in the Seattle National Bank, a designated depository of the United States, to the credit of his father, Captain McCaull, and that amount has been deposited in the Treasury to the credit of the appropriation for Army transportation for the fiscal year ending June 30, 1901.

It is expected that disbursing officers of the Department shall keep public funds for which they are responsible in safes or in a Government depository. Captain Penrose received the safe combination from Clerk McCaull on July 1, when he took charge of the transport; so that at the date of the embezzlement both Captain Penrose and Clerk McCaull were in possession of the combination. Captain Penrose's reasons for not changing the combination of the safe are as follows:

"First. That there was no key by which it could be changed, nor any directions showing how it could be altered, as is usual in large safes.

"Second. That while the ship was at the Bremerton Navy-Yard being repaired and outfitted there was no expert procurable who could change such locks.

"Third. That during the extremely short stay in Seattle he had not the time to secure such an expert to do the work."

In view of all the circumstances of the case, the reasons above given for not changing the combination of the safe have been accepted by the Department as satisfactory. Captain Penrose is still an officer of the Quartermaster's Department and has rendered most excellent and capable service. He is an officer of proved integrity and capacity and of unusual efficiency. He is now employed as the constructing quartermaster of the new military post in the vicinity of Indianapolis, Ind.

Inasmuch as Captain Penrose used due and reasonable diligence in safeguarding the public funds in his possession, it is believed to be just that he should be relieved from the charge by the enactment of a clause of legislation authorizing the accounting officers of the Treasury to allow him a credit for the disbursement of the sum of $5,151.89, of which $3,331.48 pertain to the Quartermaster's Department and $1,820.41 to the Subsistence Department.

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The SPEAKER. Is there objection?

Mr. MANN. There is no objection to the consideration. I would like to ask the gentleman——

Mr. OVERSTREET. I yield for an inquiry.

Mr. MANN. The report which has just been read shows the quartermaster who had been on service in Alaska had been relieved, and Mr. Penrose appointed quartermaster, retaining the clerk of the previous quartermaster who was also the son of the previous quartermaster. I think the report makes a clear case as far as that part is concerned. Now, the clerk of the new quartermaster stole the money out of the safe, went to Oregon, or somewhere else, and deposited it in the Treasury to the credit of his father, the previous quartermaster. I believe there is no way of prosecuting or holding the bondsmen of the father of the thief, because that money was turned into the Treasury.

Mr. OVERSTREET. Exactly.

Mr. MANN. It is one of these cases where we have no relief against anybody after losing the money.

Mr. OVERSTREET. And, if the gentleman will permit me, Mr. Speaker, in addition to what the gentleman from Illinois has just stated, which was quite correct, it may be said in favor of Captain Penrose that the embezzlement occurred but a very few days after he had taken charge and before it was possible for him to secure a change in the combination of the safe. He was detailed and left shortly for the Philippines. As a matter of fact the embezzlement was not discovered until he was upon the point of departure. It was no fault of his own, in the first place, that he accepted that clerk, for the reason that that clerk possessed a knowledge of the combination of the safe before Captain Penrose was given that information, and Captain Penrose received the combination of the safe from the very clerk who embezzled the money, all of which indicates that every possible care had been exercised by that officer.

Mr. MANN. This is a case that has arisen in this way without any fault on the part of the quartermaster, Captain Penrose; now, would it not suggest to the Committee on Military Affairs, or the proper committee of the House, the necessity of having these clerks under bond if they are to have access to the safe and have access to the money? In other words, can a clerk in a quartermaster's or postmaster's department of the Government carry off the funds and nobody found to be punished for it?

Mr. OVERSTREET. I really am not familiar with the law relating to the bond of clerks of that class, but it would seem to me a wise provision to oblige bonds of such clerks.

Mr. MANN. Well, Captain Penrose says that he had no opportunity to change the combination of the safe. It is perfectly apparent that the previous quartermaster gave the combination of the safe to the clerk——

Mr. OVERSTREET. Undoubtedly.

Mr. MANN. But whether it is customary for clerks to have the combination like that gentleman, I do not know. I should think it was very necessary if quartermasters' clerks have access to safes and have access to the money and can carry it off, and then we relieve the quartermaster, as in this case, it seems perfectly just we ought to have some claim against the bondsmen of the clerk. I was trying to get a rise out of somebody on the Committee on Military Affairs.

Mr. CRUMPACKER. I am not on that committee, but the theory of the law is, the quartermaster himself is responsible for the acts of the clerk.

Mr. MANN. That is the theory of the law. The gentleman from Indiana [Mr. OVERSTREET] is the distinguished chairman of the Committee on Post-Offices and Post-Roads, and his committee would not think for a moment of letting a money-order clerk handle money without giving a bond to protect the Government, although the postmaster might be responsible, as I understand it.

Mr. OVERSTREET. Certainly; but the neglect of Congress would not pay the unfortunate quartermaster who had his money embezzled by the clerk.

Mr. MANN. I understand. I am not opposing the payment of this claim.

Mr. PAYNE. May I suggest to the gentleman that the theory of the law is that the quartermaster is the man responsible to the Government, and he has to give bonds to the Government. Congress has lately relaxed that rule, so that when his subordinates have stolen the money without his fault we have been releasing the bondsmen and releasing the quartermaster, or the principal, in a great many cases. And it would seem if Congress is to go on with that policy, and which seems to be a just policy, so far as such a case as this is concerned, they ought to require the subordinate to give bonds, too, to the Government of the United States, so that the Government might locate the fault right where it is and put the embezzlement on the man that commits it and make his sureties responsible for the return of the money.

Mr. MANN. In this case, if the gentleman will permit me, the Government got the money that was in the safe, but in getting it it released the bondsmen of the quartermaster who was, in fact, the embezzler. The boy stole that money that was in the safe and turned it over to the Treasury, and it gave his father credit for it. His father was short.

Mr. PAYNE. This is a peculiar case. There is nothing like it in the history of the Government.

Mr. HOLLIDAY. I am a member of the Committee on Military Affairs, and I would like to ask the gentleman if his understanding is that that committee ought to secure the necessary legislation requiring the clerks to give bond or whether that is not a matter for the Committee on Reform in the Civil Service?

Mr. MANN. It certainly is not a matter for the Committee on the Reform of the Civil Service. It has nothing to do with the civil service, it is perfectly apparent, and a bill on that subject would not be referred to that committee. I do not say that it is the duty of the Committee on Military Affairs, but that committee—and I am not finding fault with them, the gentleman understands—are our guardians and father confessors on military subjects, and we naturally go to them for information and experience on subjects of this kind, and I have learned in the House that upon matters relating to the military I want the information of the Committee on Military Affairs.

Mr. HOLLIDAY. I want to say to the gentleman that no proposition to appoint clerks, either under military organization or anywhere else, has ever been submitted to the Committee on Military Affairs to my knowledge. If it becomes necessary to do so, if there is something wrong about it, and it is the duty of that committee to right that wrong, then of course I want to know it. The committee has always been willing to discharge any duty incumbent upon it, and if it is our duty to see that clerks do not steal the money of the Government, it is our duty to bring in those bills, and I think we will do it. But my impression was that it belonged entirely to another committee, either to the Committee on the Reform of the Civil Service or Committee on Appropriations.

Mr. MANN. Neither of those committees has any jurisdiction of the subject, as I understand it.

Mr. OVERSTREET. I understand the gentleman from Illinois [Mr. MANN] has no objection to this particular bill?

Mr. MANN. It is perfectly patent that this man ought to be paid, even if the Government loses the money. It is proper to call the attention of the distinguished Committee on Military Affairs, I think, to the necessity of guarding against matters like this in the future. The very fact that this bill ought to be paid without question is the reason why legislation ought to be enacted on the subject.

Mr. PAYNE. I want to say to the distinguished gentleman from Illinois [Mr. MANN] that the best way to focus the attention of the Committee on Military Affairs to legislation of this kind is for him to introduce a bill and refer it to that committee. Then the committee will have jurisdiction and the gentleman can follow it up and appear before that committee and urge upon them the importance of such legislation. I trust the gentleman in the multitude of his duties will find time to turn his attention to this matter and introduce such a bill in the near future, and ask the Committee on Military Affairs to act upon it.

Mr. MANN. Realizing, as I do, Mr. Speaker, that I have very little to do, and do not do very much, and have some leisure time, perhaps I will avail myself of that invitation after I have seen the Ways and Means Committee on some tariff proposition where legislation is necessary.

Mr. PAYNE. I want to say that the latter committee is always there doing business.

The SPEAKER. Is there objection?

There was no objection.

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; and being engrossed, it was read the third time and passed.

CHARLES E. MORTON.

The next business on the Private Calendar was the bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

The bill was read, as follows:

A bill (H. R. 17056) for the relief of Capt. Charles E. Morton, Sixteenth United States Infantry.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. Charles E. Morton, Sixteenth United States Infantry, the sum of $186, out of any money in the Treasury not otherwise appropriated, to reimburse the said Capt. Charles E. Morton for the sum of $186, United States currency, which was stolen from the said Capt. Charles E. Morton, without fault or neglect on his part, while he was first lieutenant, Sixteenth United States Infantry, and acting disbursing officer at Echague, province of Isabela, Luzon, Philippine Islands, and which said sum the said Charles E. Morton has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

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.

ARCHIBALD G. STIRLING.

The next business on the Private Calendar was the House joint resolution 134, for the relief of Archibald G. Striling, recently midshipman, United States Navy.

The joint resolution was read, as follows:

House joint resolution (H. J. Res. 134) for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

Resolved, etc., That the President be, and he is hereby, authorized to appoint former Midshipman Archibald G. Stirling to be an ensign in the United States Navy.

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

Line 5, after the word "Navy," add "to take the position he is entitled to by his order of merit, as shown by his examination for final graduation."

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

Mr. HOLLIDAY. Mr. Speaker, I would like to have some explanation from the Committee on Naval Affairs. This seems to put a man into the Navy.

Mr. MANN. I can explain it, although I have nothing to do with the bill. This man was a midshipman, but he was unable to pass on account of his vision being 12.05, which is 2.05 below the standard required by the Department. He had had two years' service afloat, and the Department thinks he ought to go in the Navy. They want him to go into the Navy on account of the need of the service for additional men.

Mr. BUTLER. Mr. Speaker, the Department urges the passage of this bill for the benefit of the service.

The amendment recommended by the committee was agreed to.

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

GEORGE S. PATTEN.

The next business on the Private Calendar was the bill (H. R. 17277) for the relief of George S. Patten, of Williams Coconino County, Ariz.

The bill was read, as follows:

A bill (H. R. 17277) for the relief of George S. Patten, of Williams, Coconino County, Ariz.

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 George S. Patten, of Williams, Coconino County, Ariz., to the following-described lands, to wit: The northeast quarter of the northwest quarter and lots 1, 2, and 3 in section 18, township 23 north, range 6 east, Arizona.

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

Strike out the word "Arizona" and add to the end of the bill the words "Gila and Salt River base and meridan, Arizona Territory."

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

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.

JOHN SHAUGHNESSY.

The next business on the Private Calendar was the bill (H. R. 5297) to complete the naval record of John Shaughnessy.

The bill was read, as follows:

A bill (H. R. 5297) to complete the naval record of John Shaughnessy.

Be it enacted, etc., That the Secretary of the Navy is hereby directed to so amend the naval record of John Shaughnessy, late landsman, United States Navy, on U. S. S. Brooklyn, as to show him honorably discharged, to date from October 9, 1864.

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

In line 6, after the word "him," strike out the word "honorably."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will give the Naval Committee another chance. There seems to be no report with this bill from the Department.

The SPEAKER. This bill has been reported since the Calendar was made. There is a report, the Chair is informed.

Mr. MANN. If the Speaker will pardon me, there seems to be no report from the Navy Department.

Mr. BUTLER. Which bill does the gentleman refer to?

Mr. MANN. To House bill 5297, to complete the naval record of John Shaughnessy. Is it not the custom of the Naval Committee to refer bills of this sort to the Secretary of the Navy for report?

Mr. BUTLER. That bill was reported yesterday.

Mr. MANN. The report of the committee I have. There seems to be no report from the Secretary of the Navy or the Secretary of War, both of whom are referred to in this report. This bill seems never to have been sent to the Navy Department for information, and I ask the gentleman if it is the custom of the Naval Committee in bills of this character to refer them to the Navy Department for information?

Mr. BUTLER. The gentleman has been a Member of this House for twelve years and so have I. The gentleman knows we always ask the Department for advice. I did not report the bill, Mr. Speaker, and therefore I can not answer the gentleman's question whether the report of the Department is incorporated or not. Therefore, I will ask that the bill be passed without prejudice. I remember the facts very well, but do not remember the report from the Department.

Mr. MANN. I am perfectly willing for the gentleman to state the facts. They are not very fully stated in the report, although I think we ought to have a report from the Navy Department or the War Department when it is proposed to change a man's record.

Mr. BUTLER. Mr. Speaker, I agree with the gentleman that the report of the Navy Department should be on record, provided it can be obtained. I presume it could be obtained, but I can not go to the committee room for the purpose in time to move the passage of this bill at this time. It has the unanimous report of the committee. If the gentleman chooses to object, the bill can remain on the Calendar for future consideration.

Mr. MANN. I think the bill had better go over.

Mr. BUTLER. All right.

The SPEAKER. The bill will be passed over without prejudice.

JOHN CROWLEY.

The next business on the Private Calendar was the bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy.

The bill was read, as follows:

A bill (H. R. 7807) to place John Crowley on the retired list of the United States Navy.

Be it enacted, etc., That in consideration of services rendered in the United States Navy during a period of thirty-two years, from April 11, 1865, to June 20, 1897, that the Secretary of the Navy be, and he is hereby, authorized and directed to place John Crowley on the retired list of the Navy with the retired pay of the rating in which he was serving at the time of his last honorable discharge.

Mr. MANN. Reserving the right to object, the gentleman from Pennsylvania was inclined to rather take offense and show feeling as though he thought I might have intended to offend his committee when I asked if it was the custom of his committee to refer bills of this kind to the Navy Department for report. Yet here are two bills in succession, neither one of which has been sent to the Navy Department, both proposing to amend the record or change the status of Navy enlisted men—a proposition to put a man on the retired list of the Navy—and yet the bill has never been sent to the Navy Department. I do not want to offend the feelings of the committee.

Mr. BUTLER. I am not finding any fault with any statement that the gentleman may make. He may object to the consideration of the bill. I have no request to make. I know nothing at all about the report from the Navy Department, and do not know positively whether any Department report was obtained in this case. I did not make the committee report.

Mr. MANN. I do not think it ever went to the Navy Department.

Mr. BUTLER. Yes; I presume it did.

The SPEAKER. Objection is heard.

MATE WILLIAM JENNEY, UNITED STATES NAVY, AND OTHERS, RETIRED.

The next business was the bill (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

The bill was read, as follows:

Be it enacted, etc., That Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list of the Navy, with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service either as officers or enlisted men in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

Mr. MANN. Mr. Speaker, reserving the right to object, I think there ought to be a pretty full explanation of this bill from the Naval Committee.

Mr. BURTON of Delaware. Mr. Speaker, it seems that this legislation is necessary in order to set aside an arbitrary decision of the Comptroller of the Treasury that really seems to be contrary to the act of March 3, 1899. That act provides that any officer of the Navy with a creditable record who served during the civil war shall, when retired, be retired with the rank and three-fourths of the sea pay of the next higher grade. That seems to me to be mandatory. Yet the Comptroller of the Treasury decided that they were to receive only the smallest pay.

Mr. MANN. Is the gentleman able to say how many men have been retired in the Navy and the Army who are subject to the same ruling of the Comptroller?

Mr. BURTON of Delaware. In this service there were twenty-eight originally——

Mr. MANN. Does the gentleman mean in this service or in this class?

Mr. BURTON of Delaware. The others have all got it, except eight men.

Mr. MANN. No one has got it under the original law, under this decision of the Comptroller. Mates are not the only men on the retired list of the Navy, as I understand it, under this law, and this decision of the Comptroller was not made as to this mate or these particular mates. It was a general ruling. Now, is the gentleman able to tell us how many men on the retired list of the Navy and the Army are affected by the same decision of the Comptroller?

Mr. BURTON of Delaware. I am not able to answer that question, but the passage of this act will grant relief to the eight men who are now living.

Mr. MANN. Or nine, to be more accurate; one and eight others make nine, I believe, if my arithmetic is correct. But the gentleman proposes to take a decision of the Comptroller and wipe it out as to nine men. My opinion is that it more likely applies to 900.

Mr. BURTON of Delaware. I do not think so. Has the gentleman's attention been called to a letter of the Secretary of the Navy on this subject?

Mr. MANN. I have read the report.

Mr. BURTON of Delaware. You will find that in the report, which I ask the Clerk to read.

Mr. HOLLIDAY. Pending that, I should like to ask the gentleman what is the purpose of this bill?

Mr. BURTON of Delaware. The report will give the gentleman the purpose.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 17059) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, submit the following report:

It appears from the Official Register of the Navy that William Jenney was a mate in the Navy March 19, 1861; acting ensign, November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the Navy December 6, 1869, and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

Mate Jenney was one of the twenty-eight mates in the Navy August 1, 1894, to whom the act approved on that date (28 Stat. L., 212) applies.

Section 11 of the act of March 3, 1899 (30 Stat. L., 1007) provides:

"That any officer of the Navy, with a creditable record, who served during the civil war shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

On September 14, 1899, Mate Jenney was notified of his retirement by the Secretary of the Navy in accordance with the provisions of section 1444 of the Revised Statutes of the United States. The act of June 29, 1906 (34 Stat. L., 554), gave a similar advancement for like reasons.

The Comptroller of the Treasury in his construction of these statutes held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service; and while it was the undoubted intention of the acts referred to to advance the retired pay of these officers, they will under this holding, as a matter of fact, get no greater pay than they previously received.

Your committee is of the opinion that the passage of this bill is necessary if these officers are to receive the relief it was intended to give them in previous legislation.

In support of this view the following letter from the Secretary of the Navy is submitted herewith and made a part of this report:

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the Department's view with reference to a bill (H. R. 17059) "for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill (H. R. 17059) is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

In view of the foregoing, your committee is of the opinion that H. R. 17059 should pass. We therefore submit it with a favorable recommendation.

Mr. HOLLIDAY. Mr. Speaker, I take it the purpose of this bill is to increase the pay that these men get on the retired list. Does the gentleman know how much they are getting now?

Mr. BURTON of Delaware. Nine hundred dollars.

Mr. HOLLIDAY. Nine hundred a year?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. Are they officers or enlisted men?

Mr. BURTON of Delaware. I understand they were all officers, and one of them is as much as 80 years old.

Mr. HOLLIDAY. How much will their retired pay be increased if the bill passes?

Mr. BURTON of Delaware. As I understand, their pay will be three-fourths of $1,800 a year. That was their sea pay for the length of service rendered, and, as I understand this act, it would give them three-fourths of their sea pay.

Mr. BUTLER. It is just to equalize it as to the officers of the Army and the Navy.

Mr. BURTON of Delaware. Yes; that is the object of the bill.

Mr. HOLLIDAY. They served in the Navy until they came to their retirement?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. And this simply puts them on a par with other officers who had similar service?

Mr. BURTON of Delaware. That is all.

Mr. ELLIS of Oregon. Mr. Speaker, this bill, as I understand it, is to correct what was obviously intended to be done by statute. The statute of 1899 is mandatory in character and says that this shall be done.

A subsequent statute, passed in 1905, had the same end in view, but by a holding of the Comptroller when this matter came up for consideration these nine men were excluded from the provisions of those acts; they were old soldiers who had served through the war, and by virtue of their retirement coming at a particular time the Comptroller held that they were excluded, and they are not receiving the benefit that others of their class are receiving. I think there are only nine—this man and eight others. They served with distinction through the war, and the statute intended to give them the benefit that it gave the other officers of like character. They gave them the advance in rank, but no corresponding advance in pay, as was intended by the act, for the reason that the Comptroller held that they did not come within the act. The committee, after investigating it and examining the report of the Comptroller, reached the conclusion that such a holding worked a great injustice. The report is unanimous, and is backed by a letter from the Secretary of the Navy, who says that the legislation referred to was obviously intended to benefit these men, but under the ruling they are excluded, and we only desire to correct that oversight or inequality existing under that ruling and to put these men in a position to receive what it was intended they should have.

Mr. MANN. Will the gentleman yield?

Mr. ELLIS of Oregon. I am speaking in the time of the gentleman from Delaware.

Mr. BURTON of Delaware. I will yield to the gentleman.

Mr. MANN. Just what will be accomplished by this bill?

Mr. ELLIS of Oregon. Under the statute at the present time these men are getting three-fourth of the pay which the Comptroller held they should receive—that is, three-fourths of $1,200.

Under the bill, if it becomes a law, they will get three-quarters of the pay of the rank which they retired on, which would be three-fourths of $1,800.

Mr. MANN. They were mates; they were retired with the rank and pay of what grade, warrant officers?

Mr. ELLIS of Oregon. Yes.

Mr. MANN. What is the pay of warrant officers?

Mr. ELLIS of Oregon. Eighteen hundred dollars.

Mr. MANN. Is that the lowest pay of a warrant officer?

Mr. ELLIS of Oregon. The lowest pay of the class in which they were placed.

Mr. MANN. What is the class in which they were placed? What is the lowest pay of a warrant officer? The gentleman says $1,800.

Mr. ELLIS of Oregon. Twelve hundred dollars is the lowest.

Mr. MANN. That is what I thought. That is what the law provides for, and that is what they are getting.

Mr. ELLIS of Oregon. Their rank was above that.

Mr. MANN. What does the gentleman mean by saying that "their rank was above that?" Does the gentleman mean that their rank would have been above that if they had served as warrant officers twenty or thirty years? This bill apparently proposes to give to these officers the rank and retired pay of a warrant officer if they had served as warrant officers for a great many years, which they never served at all.

Mr. BURTON of Delaware. But they did.

Mr. MANN. I beg the gentleman's pardon, they were never warrant officers. They never had the rank or pay of warrant officers until retired.

Mr. BURTON of Delaware. The act clearly says "shall when retired be retired with the rank and three-quarters pay of the next higher grade."

Mr. MANN. They were retired with that rank, but never served with that rank.

Mr. ELLIS of Oregon. Because they reached the retiring age.

Mr. MANN. They were mates; that is what the bill shows. They reached the age of retirement, and thereupon they were retired with the rank of warrant officers, but they had never served as warrant officers. Now, the proposition is not only to give them that advantage, but to give them the additional advantage of having served as warrant officers for many years. The same case arises in the Army. We have had the same proposition in other committees of the House.

Mr. BURTON of Delaware. I want the gentleman to understand that I have no special interest in this bill. This is simply a matter of justice to the men.

Mr. MANN. I understand that.

Mr. BURTON of Delaware. I believe these men have done good service, and they are entitled to more than three-quarters of $1,200 pay.

Mr. MANN. They are now getting $75 a month, which would be considered an extremely large pension to any enlisted man in the Army or in the Navy.

Mr. HOLLIDAY. I would like to ask the gentleman another question. How long did these men serve after they went into the Navy?

Mr. BURTON of Delaware. In the case of Mr. Jenney, this report shows that he was enlisted March 19 1861, and was given notice of his retirement on September 14, 1899. Now, he was discharged in 1866, and then reenlisted, and was retired in 1899. That shows a long service.

Mr. HOLLIDAY. I am not inclined to be captious about that, but the Committee on Military Affairs is fairly flooded with applications to increase the pay of men on the retired list—that is, to give them a higher rating—and it is sometimes complained to us that the Naval Committee is much more liberal than the Committee on Military Affairs. I shall not object, however.

Mr. ELLIS of Oregon. Mr. Speaker, it will be found by reference to this act of March 3, 1899, known as the "personnel act," which is mandatory, that any officer of the Navy with a creditable record shall, when retired, be retired with the rank and three-quarters of the sea pay of the next higher grade. On September 14, 1899, the same year this act was passed, Mr. Jenney was retired by the Secretary of the Navy in accordance with the provisions of law, but under the holding of the Comptroller he could not have this pay which the personnel act, in express terms, said he should have. He was not retired until after the passage of that act giving him the right to that pay, and then under that ruling he could not receive the pay.

Mr. MANN. I do not understand the gentleman is correct in his statement of the facts. I understand these officers had received and have received from the date of their retirement three-quarters of the sea pay of the next higher grade than mates. They were mates and they have received three-quarters of the sea pay of a warrant officer, which is $100 a month. Now, the gentleman proposes not only to give them an increase of pay more than is provided by the act, but to date that back to 1899. There has not been such a bill reported into this House from any other committee of the House. The Committee on Military Affairs has constantly, as I am informed, turned down these bills. The committee of which I have the honor to be one of the members has refused to recommend the passage of such a bill, and I do not believe that it receives, in the hurry of making up an appropriation bill, that due consideration which the Committee on Naval Affairs usually gives to everything which comes before it.

Mr. BURTON of Delaware. Does not the gentleman understand that these officers were getting $900 before the passage of this act?

Mr. MANN. Oh, I presume very likely. I presume they were getting $1,200.

Mr. WEEKS. I would like to ask the gentleman from Oregon a question. Are there not certain retired rear-admirals who bear the same relation to other admirals retired since the personnel act that these mates do to other mates retired since the personnel act, and is there not a bill pending in the Naval Committee for their relief at this time?

Mr. ELLIS of Oregon. I am not certain, but I think there is. I did not quite catch the question of the gentleman.

Mr. WEEKS. Are there not certain retired rear-admirals who were retired before the passage of the personnel act who bear the same relation to those retired since the personnel act that these mates do to mates who have been retired since the personnel act?

Mr. BUTLER. Yes; and, if I recollect correctly, I believe that bill was ordered yesterday to be reported favorably.

Mr. WEEKS. The case is exactly the same, is it not?

Mr. BUTLER. Yes. There are a few of these mates that have not been provided for under the personnel act of 1899, and the reason for that is stated in this report from the Department. The bill referred to by the gentleman, I believe, was ordered yesterday to be reported favorably.

Mr. WEEKS. The fact is that any mate retired since the personnel act is receiving three-quarters of $1,800.

Mr. BUTLER. Yes.

Mr. WEEKS. And these mates who were retired before the passage of the act are receiving three-quarters of $1,200, and their civil-war service was the same.

Mr. BUTLER. Their civil-war service was the same, and the personnel act of 1899, section 11, directs that they shall receive three-quarters of the sea pay of one grade above that at which they were retired.

Mr. BURTON of Delaware. Mr. Speaker, I believe this to be a just and fair measure. These mates are entitled to the advance asked for, and I hope the gentleman from Illinois [Mr. MANN] will not object.

Mr. LAWRENCE. As I understand it, the law provides that an officer going upon the retired list shall be retired at three-quarters' pay of the rank above that which he holds at the time of the retirement where he had civil-war service.

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. These parties for whose relief this bill is proposed were not, as a matter of fact, retired at the next grade above that which they held at the time of the retirement.

Mr. BURTON of Delaware. No; they were not.

Mr. LAWRENCE. And so you seek simply to place them upon a par with mates who would to-day be retired?

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. And who would receive three-quarters of $1,800?

Mr. BURTON of Delaware. To $1,800.

Mr. LAWRENCE. So all you seek to do for these nine men is to place them on a par with other men of equal grade.

Mr. MANN. Is it the intent of the committee, of which the gentleman is a distinguished member, to bring into the House from time to time bills to equalize the pay of all officers and enlisted men who were placed on the retired list, every time an advance in pay is made; that the officers already on the retired list shall have the benefit of the increase of pay so as to equalize their salaries?

Mr. BURTON of Delaware. This only applies to civil war veterans.

Mr. MANN. Oh, but the gentleman talks about equalizing pay and putting men on the same plane. Now, we passed an item for the increased pay of the enlisted men of the Army the other day. If I remember rightly, the Military Affairs Committee, in reporting that proposition, were very careful that the increase in pay should not apply to men already on the retired list, taking the position that when a man is lucky enough to

get on the retired list of the Army or Navy, and he is luckier than anyone else who serves the Government, that he ought to be satisfied with what he gets and not make him up into part of a lobby to constantly urge an increase of any salaries, he probably having nothing else to do.

Mr. BURTON of Delaware. Well, Mr. Speaker, I think that that is hardly applicable to this case. We only ask to have these men placed on the same plane they would have if they were retired to-day, veterans of the civil war.

Mr. BUTLER. Mr. Speaker, I will reply to the gentleman if he will listen. I will not, as a member of the Committee on Naval Affairs or as a Member of this House, vote to increase the pay of any man upon the retired list unless he served creditably and well in the civil war. We reported this bill that the pay of these eight or nine old sailors might be the same upon the retired list which their brothers who served in the civil war are now receiving. If they had not served in the civil war, I would not ask my friend to vote for their relief.

Mr. MANN. I supposed the gentleman was in favor of that proposition, possibly to put men on retired pay, but upon a much higher salary than he would have otherwise received, because he served two or three days in a clerk's office or something corresponding to that in the civil war.

Mr. BUTLER. No.

Mr. MANN. Such a man is now on the retired list, and it is a shame and disgrace to this Government that it ever put him there for that reason——

Mr. BUTLER. I do not know to whom the gentleman refers, but I am sorry to have assisted in the passage of such a measure if I did so. This man, William Jenney, was honorably discharged from the service in 1866. He enlisted March 19, 1861. He had a long and faithful as well as honorable war service, and for that reason, I assure my friend, we reported this bill favorably. We think he and the other men here provided for should have the same pay that other mates have who were more fortunate to be retired a short time after the passage of the personnel act of 1899.

Mr. MANN. Can the gentleman inform me what this means in this bill:

Shall be credited with all their prior actual service, either as officers or enlisted men in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said act.

What does that mean?

Mr. BUTLER. Mr. Speaker, I can not answer the question. I know it is the intention of the Committee on Naval Affairs that they shall not receive what is commonly known as "back pay," and inasmuch as there seems to be—I am not authorized, the gentleman from Delaware introduced the bill and the gentleman from Oregon [Mr. ELLIS] reported it, after having passed the committee unanimously—but with the consent of the two gentlemen I will ask that the bill be laid aside until the Private Calendar is reached in regular order.

The SPEAKER. The bill is under consideration now, as the Chair understands. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PATENTS TO LANDS, IDAHO, TO BOARD OF MISSIONS, PROTESTANT EPISCOPAL CHURCH.

The next business on the Private Calendar, under the rule, was the bill (H. R 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain lands in the State of Idaho.

The Clerk read as follows:

Whereas the Protestant Episcopal Church among the Fort Hall Indians in Idaho has for about twenty years been maintaining at large expense religious and educational work among the Indians of the Fort Hall Reservation, Idaho; and

Whereas certain lands on said reservations have been by proper authority set apart for the use of said church, and said church has made valuable improvements, consisting of mission and church buildings, upon the lands so set apart: Now, therefore,

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to the Board of Missions of the Protestant Episcopal Church of the United States for the following-described lands: The southeast quarter of section 36, township 4 south, range 34 east, of Boise meridian, containing 160 acres: *Provided*, That the lands so granted shall perpetually be used for religious and educational purposes.

The amendments were read, as follows:

Amend by striking out the preamble, page 1, and strike out the proviso, lines 5 and 6, page 2.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire who has charge of this bill.

Mr. BUTLER. What committee is it reported from?

Mr. MANN. From the Committee on Indian Affairs. The bill seems to be a perfectly proper bill, except they have not put an amendment in which the Department recommends and which ought to go in.

The SPEAKER. Is there objection?

Mr. DRISCOLL. I would like to ask why the last two lines were stricken out, namely:

Provided, That the lands so granted shall be perpetually used for religious and educational purposes.

Mr. MANN. I will say to the gentleman that probably the principal reason was, as appears from the report, that a similar bill without those lines in had been introduced in the Senate and reported upon by the Secretary of the Interior in favor of the passage of the bill, with an amendment which is not in here, and I suppose that the committee in the House made the two bills conform.

The SPEAKER. Does the gentleman object to the consideration of the bill?

Mr. MANN. I do not make any objection.

The SPEAKER. Does the gentleman offer an amendment?

Mr. MANN. I desire to offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert at the end of the bill the following:

"*Provided*, That the said patents shall not issue until the Indians of the said reservation shall have given their consent to the grant through their business committee or council, in such manner as the Secretary of the Interior shall provide."

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

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

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

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

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

WOODLAWN CEMETERY ASSOCIATION.

The next business on the Private Calendar, under the rule, was the bill (H. R. 17167), authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land from the United States, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to sell to the Woodlawn Cemetery Association, of St. Maries, Idaho, land not to exceed in area 40 acres which may be selected by the cemetery association: *Provided*, That this land shall be selected from the Coeur d'Alene Indian Reservation: *And provided further*, That the Woodlawn Cemetery Association, of St. Maries, Idaho, shall pay to the Government of the United States the appraised value of the land, the proceeds of the sale to be turned into the moneys accruing from the disposition of the unallotted Indian lands as provided in the act authorizing the opening of the Coeur d'Alene Indian Reservation.

Also the following committee amendments were read:

Amend by inserting after the word "association," in line 6, the following: "and subject to the approval of the Secretary of the Interior."

Amend the title by striking out the words "from the United States" and inserting in lieu thereof "in the Cœur d'Alene Indian Reservation in Idaho."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I move to insert on line 5, before the word "land," the word "nonmineral," so as to make it read "nonmineral land."

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

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On line 5, before the word "land," insert the word "nonmineral," so as to read "nonmineral land."

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

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

The title was amended to read as follows:

A bill authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Cœur d'Alene Indian Reservation in Idaho.

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

COMMITTEE ON EXPENDITURES IN THE STATE DEPARTMENT.

Mr. WEEKS. Mr. Speaker, I offer the following resolution from the Committee on Expenditures in the State Department.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the State Department be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress; also that the committee be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Has this committee met yet?

Mr. WEEKS. It has; yes.

Mr. FITZGERALD. Are you going to hold hearings during the sessions of the House?

Mr. WEEKS. I do not know.

Mr. FITZGERALD. Then I will object to that part of the resolution, Mr. Speaker.

Mr. WEEKS. I would like to say to the gentleman from New York that similar privilege has been granted to other committees of the same character.

Mr. FITZGERALD. I have noticed that, and I have decided to object hereafter until it is shown there is some necessity for it. If every committee in the House has leave to sit during sessions there will be nobody present in the House; and unless the committee finds necessity for that privilege, I think it will be necessary for them to wait.

Mr. WEEKS. We shall not use it unless there is necessity for it.

Mr. MANN. I would like to say to my friend from Massachusetts [Mr. WEEKS] that I have served more than ten years now on one of the leading committees of the House, which never has asked, I believe, the privilege of sitting during the sessions of the House. We find it a great convenience not to have the authority, so that we may be properly on the floor of the House.

Mr. WEEKS. Mr. Speaker, I want to say that I have no disposition to sit during the sessions of the House unless it is necessary, and the privilege that is asked here is exactly what has been granted other committees within the past week.

Mr. FITZGERALD. Mr. Speaker, the rule provides that committees shall not sit during the sessions of the House without the consent of the House, and unless there is some imperative necessity the House should not grant it. I object to that portion of the resolution.

The SPEAKER. Does the gentleman modify his resolution?

Mr. WEEKS. I modify the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the State Department be authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress.

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

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

BUSINESS OF WAR CLAIMS COMMITTEE.

Mr. HASKINS. Mr. Speaker, I ask that we now take up the consideration of business reported from the War Claims Committee on the Calendar.

D. M. SPRAGUE AND WILLIAM TILTON.

The first business on the Private Calendar was House resolution 171.

The resolution was read, as follows:

House resolution 171.

Resolved, That the bill (H. R. 13554) for the relief of D. M. Sprague and William Tilton, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, it was not expected that business reported from the Committee on War Claims would be taken up, although it is in order. I think the gentleman ought to make an explanation of war claims bills, under the circumstances, as we go along. Here is a proposition to refer to the Court of Claims. We had a bill on the Calendar this morning that was referred to the Court of Claims in 1886 by the Committee on Claims, not by the House. The report was made by the Court of Claims in 1905 to the House, not to the committee, as the law provided. It seems to me that the committee has power to refer these claims to the Court of Claims. All that the distinguished gentleman from Vermont needs to do is to have his committee meet and present to that committee a resolution referring this bill to the Court of Claims, and to the Court of Claims it goes, and the parties have the right to file their petition there, and the Assistant Attorney-General of the United States has the right to appear for the defense, and the court makes its findings. Now, why——

Mr. HASKINS. If the gentleman will permit me. It is provided in the provisions of the Bowman Act, approved March 3, 1883, that the committee have authority to refer direct to the Court of Claims; but bills or claims presented that come under the provisions of the Tucker Act can only be referred to the Court of Claims by action of the House itself.

Mr. MANN. Ah, I understand; you can refer any bill under the Bowman Act.

Mr. HASKINS. No; the gentleman is mistaken about that.

Mr. MANN. Oh, no. The Bowman Act is as broad as it can be. Of course the claimant does not have the same rights. The Government does not waive as much under the Bowman Act as it does under the Tucker Act; but you can take the claims to the Court of Claims under the Tucker Act just as well as under the Bowman Act.

Mr. HASKINS. Mr. Speaker, the distinguished gentleman from Illinois can consume a great deal of time if he wishes. If he will allow me to answer him concerning this bill, I will state that the claimant in this case alleges that he was under a contract with the United States Government to furnish corn at $1.35 a bushel, hay at $35 per ton, and oats at $1.10 per bushel; that he furnished 2,243 bushels of corn, 256 bushels of oats, and 28 tons of hay, and when he was paid by the Government he was paid at the rate of $1.05 a bushel for the corn, 78 cents a bushel for the oats, and $29 per ton for the hay. Now, this bill has been reported before. It was reported at the first session of the Fiftieth Congress for a direct appropriation for this balance. Again, at the second session of the Fiftieth Congress it was again reported favorably. At the first session of the Fifty-first Congress no less distinguished gentleman than General Grosvenor, of Ohio, reported from the War Claims Committee in favor of the passage of the bill and a direct appropriation for the balance which this claimant now claims. But I have some little question about it; the committee have; and therefore they ask to have it sent to the Court of Claims and let him try his case out there. The claim has been three times reported favorably—once by General Grosvenor——

Mr. MANN. The gentleman seems to take exception to the fact that I asked a question about the bill.

Mr. HASKINS. Not at all.

Mr. MANN. Perhaps it is embarrassing to him to say why he did not refer this to the Court of Claims from his committee instead of coming into the House for the purpose of having it referred. I do not want to embarrass the gentleman in any way.

Mr. HASKINS. There is nothing that the gentleman from Illinois can say that will embarrass me in the least.

Mr. MANN. I trust that is true.

Mr. HASKINS. He had so much to say in the beginning that I had not time until after he had attempted to embarrass me, and of course I followed his statement.

Mr. MANN. The gentleman still has not told the House why this claim can not be referred directly from his committee to the Court of Claims instead of bringing the resolution into the House.

Mr. HASKINS. Because there is no provision whatever in the Tucker Act authorizing any committee to refer a claim from the committee directly to the Court of Claims.

Mr. MANN. No; but there is in the Bowman Act.

Mr. HASKINS. There is in the Bowman Act, but this is a case that does not come within the provisions of the Bowman Act at all.

Mr. MANN. The Bowman Act authorizes these bills to be referred to the Court of Claims.

Mr. CHANEY. The Bowman Act authorizes a committee of the House of Representatives to send to the Court of Claims a claim which has before that time been presented either to the Southern Claims Commission or to an Executive Department for consideration. Unless that has been done, it is not referable to the Court of Claims under the Bowman Act. This is a claim, as I understand, which has never been referred to the Southern Claims Commission, and it was never referred to an Executive Department for consideration. It is therefore not referable to the Court of Claims but by resolution under the Tucker Act. The gentleman is therefore proceeding in the only way that he can ever get to the Court of Claims with this case.

Mr. HASKINS. And in addition, as I understand it, the Bowman Act gives the Court of Claims jurisdiction over the property taken by the Federal Army in an insurrectionary State. This is a claim of a citizen of a loyal State. It does not come within the provisions of the Bowman Act at all. It is only under the provisions of the Tucker Act. This man was a resident of a loyal State, and made his contract with the Quartermaster of the Army.

Mr. MANN. I do not understand that that distinction exists as to the Bowman Act at all.

Mr. HASKINS. It certainly does.

Mr. MANN. You can refer any kind of a claim under the Bowman Act. The Bowman Act does provide, however (and

that is just what I wanted the gentleman to state, which he would not do), that in order to get a finding in a case, a man must in some way have prosecuted his claim. He must have called attention to the fact that he had a claim, before thirty or forty years had passed. It might have been filed with the Department or with the Southern Claims Commission. If that was not done, then the Court of Claims could not make a finding in the case. A man who has a claim against the Government and makes no effort to prosecute it for twenty, thirty, or forty years has not much standing in my opinion.

Mr. HASKINS. This has been pending in a good many Congresses before. Claims for private property taken from citizens of loyal States are first presented to the Quartermaster-General under the law for adjudication. This was presented to the Quartermaster-General.

Mr. MANN. And hence could be referred under the Bowman Act.

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

There was no objection.

The resolution was agreed to.

J. E. CALDWELL.

The next business was House resolution 172.

The resolution was read, as follows:

Resolved, That the bill (H. R. 4554) for the relief of J. E. Caldwell, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CHESTER BETHELL.

The next business was House resolution 173.

The resolution was read, as follows:

Resolved, That the bill (H. R. 9629) for the relief of Chester Bethell, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

The SPEAKER. Is there objection.

There was no objection.

The resolution was agreed to.

LIEUT. COMMANDER KENNETH M'ALPINE.

The SPEAKER. The Chair desires to state that there was one bill in order from the Committee on Naval Affairs, as the Chair is informed. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Lieut. Commander Kenneth McAlpine, United States Navy, a commander in the Navy on the active list, subject to examination, to take rank next after Gustav Kaemmerling, as originally borne on the Navy Register from 1886 to 1903.

SEC. 2. That the said Kenneth McAlpine shall be considered to have been continuously in the naval service from the date of his appointment on September 13, 1877, but that he shall receive no pay or emolument for the period from July 17, 1903, to March 3, 1905; and that he shall be additional to the number of officers prescribed by law for the grade of commander in the Navy, and to any grade to which he may thereafter be promoted.

SEC. 3. That the said Kenneth McAlpine shall perform engineering duty only, on shore only.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, has this bill been reported?

The SPEAKER. The Chair is informed that this bill was reported, presumably this morning. It is not upon the Calendar.

Mr. MANN. Reserving the right to object, let us have an explanation to the bill.

Mr. MAYNARD. Mr. Speaker, in 1903, Lieut. Kenneth McAlpine, an engineer officer in the United States Navy, was ordered up for examination for promotion. He went up for examination before a board of four, three of whom found him professionally, morally, and mentally qualified for promotion, one member of the board dissenting. The findings went back to the Secretary of the Navy, were reviewed by the Judge-Advocate-General's office, were sent back to the examining board for reconsideration, with the practical instruction to the board to find against Lieutenant McAlpine. In pursuance of that recommendation Lieutenant McAlpine was dropped from the Navy with one year's pay. I introduced at the succeeding Congress a bill reinstating him in the Navy. The bill was referred to the then Secretary of the Navy, Paul Morton, who investigated the matter and reported back to the Committee on Naval Affairs that a great injustice had been done this officer and that he should be at once restored to the service.

On March 3, 1905, this House passed a bill which had the unanimous recommendation of the Committee on Naval Affairs to reinstate Lieutenant McAlpine in the service. That bill, introduced by me, put him at the head of the list of lieutenants, because it looked to be the line of least resistance. Had the bill been introduced to put him in the service where he would have been except for this unfortunate circumstance, the bill would have passed the House as introduced. The fault was in drawing the bill that he did not get his old place.

Mr. MANN. Will the gentleman have read the letter of the Secretary of the Navy?

Mr. MAYNARD. Paul Morton? I do not think that is here. That was when they put him back into the Navy.

Mr. MANN. Is he in the Navy now?

Mr. MAYNARD. Yes.

Mr. MANN. Then what is he kicking about?

Mr. MAYNARD. Because he has lost eighty numbers.

Mr. MANN. Well, he is in great luck to be in the Navy, any way. What is he now?

Mr. MAYNARD. A lieutenant-commander.

Mr. MANN. At what salary?

Mr. MAYNARD. At the salary of lieutenant-commander.

Mr. MANN. But that varies.

Mr. MAYNARD. I would like to have read the letter of Admiral Rae, Chief of the Bureau of Engineers. This gentleman has been selected by the Bureau of Navigation——

The SPEAKER. The letter can not be read in less than two minutes, and that is the time set for the special order of the House. Is there objection?

Mr. MANN. We can not pass bills here, Mr. Speaker, without a proper report.

The SPEAKER. Objection is made.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I desire to make the announcement that at the close of the consideration of the post-office appropriation bill I will call up for consideration the pension appropriation bill.

LEAVE OF ABSENCE.

Mr. SABATH, by unanimous consent, was granted leave of absence for one week, on account of death in the family.

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. 1574. An act to create the Calaveras Big Tree National Forest, and for other purposes—to the Committee on the Public Lands.

S. 4797. An act for the care and preservation of the Hermitage—to the Committee on the Library.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

Mr. WILSON of Illinois, 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. 3923. An act to fix the limitation applicable in certain cases;

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.; and

H. R. 15247. An act to authorize the Idaho and Northwestern Railway Company to construct a bridge across the Spokane River, near the city of Coeur d'Alene, Idaho.

EULOGIES ON THE LATE REPRESENTATIVE CAMPBELL SLEMP OF VIRGINIA.

The SPEAKER. The hour of 2 o'clock having arrived the Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. JONES of Virginia, by unanimous consent,

Ordered, That at the hour of 2 o'clock p. m., on Saturday, March 7, legislative duties be suspended and eulogies on the life, character, and public services of the Hon. CAMPBELL SLEMP, late a Representative from Virginia, shall be in order.

Mr. JONES of Virginia. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That as a mark of respect to the Hon. CAMPBELL SLEMP, late a Member of this House from the State of Virginia, and in pursuance of the order heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore (Mr. LANGLEY). The question is on agreeing to the resolutions.

The question was taken and the resolutions were unanimously agreed to.

Mr. JONES of Virginia. Mr. Speaker, it becomes our duty to pause for a brief moment amid the busy scenes and active legislative work of this House to pay fitting tribute to the life and character of a departed colleague. Nothing has impressed me so painfully during my somewhat extended service in this body as the appalling frequency with which we are called upon to mourn the death of our Congressional associates, friends, and daily companions. Even before they had taken their seats, and entered upon the active duties of this Congress, two most distinguished and widely known Senators, each bearing a commission from the State of Alabama, passed serenely to their final rest, full of honors and of years. And scarcely had the grave closed over the mortal remains of another honored son of our beloved Southland, a distinguished Senator of the State of South Carolina, when, only three short days ago, the entire country was startled by the announcement that Senator REDFIELD PROCTOR, of Vermont, long a conspicuous figure in the councils of the nation, had suddenly been summoned to that "undiscovered country from whose bourne no traveler returns." And although the visitations of death during this session have been less frequent in this Hall than in the other Chamber of Congress, two of its members, GEORGE W. SMITH, of Illinois, and CAMPBELL SLEMP, of Virginia, have answered their last earthly roll call and passed into the great beyond.

Of all the States of this Union none, within my personal knowledge of the membership of Congress, has been so stricken by the hand of death as has Virginia. Since the beginning of the first session of the Fifty-second Congress fourteen of those who at one time or another served that State in Congress have laid down the honors conferred upon them, as well as the cares and burdens of this life, and gone the way which those of us who for the time being are left behind must sooner or later travel.

Of these, Lee, who had been reelected, passed away before taking his seat in the Fifty-second Congress; but Barbour, Epes, Otey, Richard A. Wise, and Rixey died in the midst of their legislative duties and with the harness still on, whilst Edmonds, Meredith, Turner, Lawson, Walker, O'Ferrall, and George D. Wise lived to witness the termination of their Congressional careers and surrendered up their lives amid the peaceful scenes and quiet environments of their Virginia homes.

Such has been the mortality in the comparatively small delegation from the State of Virginia during the period in which I have, in part, had the honor to serve it here. The bare recital of stern realities so strikingly impressive as these can but serve to admonish the strongest and most heedless among us that life at best is beset by snares and full of uncertainties, and that "Death rides upon every passing breeze."

On Sunday, October 13, 1907, Col. CAMPBELL SLEMP, late a Representative from the Ninth Virginia District, died at his home at Big Stone Gap. His death was very sudden and came as a distinct shock to his many friends throughout Virginia and elsewhere.

My personal acquaintance with Colonel SLEMP began with the opening of the Fifty-eighth Congress, although I had long known of him as prominent in the politics of my State. Our homes were separated by the extreme length of the State, a distance of more than 500 miles. For these reasons I have been obliged to rely to a very large extent upon those whose fortune it was to know him longer and more intimately for most of the facts connected with his long and somewhat eventful life, which I shall now briefly present.

Colonel SLEMP's father, Sebastian Smith Slemp, was one of the foremost men of his section and a striking figure in his community. His mother, before her marriage, was Margaret Reasor, a member of one of the most prominent and well-known families in southwestern Virginia. Lee County is that extreme southwest section of the State running like a wedge for a number of miles between the State of Kentucky on the north and that of Tennessee on the south. Mountains rich with coal and ore there alternate with fertile valleys. Although to-day this county is justly regarded as one of the richest and most prosperous in the Commonwealth, conditions there were far different half a century ago. Then the railroads which now traverse every section of the county had not penetrated its fastnesses. Its inhabitants were cut off from the markets of the world, and the cattle for which that section of Virginia is now so widely famed were marketed in Baltimore, being driven many miles across the ranges of the Allegheny Mountains and up the Shenandoah Valley. Cattle raising and farming were the chief industries, and naturally the utter lack of transportation facilities and the almost inaccessibility of markets were not conducive to the rapid development of material wealth. What such environments and conditions did develop was something infinitely better—a strong, hardy, self-reliant, and thoroughly independent manhood, and this doubtless largely accounts for the untiring energy, indomitable will, perfect self-reliance, and strong, practical common sense which in after life contributed no little to the business successes and the political achievements of Colonel SLEMP.

The educational facilities of Lee County were very limited in those days, and so it was that his parents sent the subject of my remarks at an early age to Emory and Henry College, in Washington County, where most of the young men of that day and section were educated. Here young SLEMP applied himself assiduously to his studies; but the death of his father necessitated his return to his home three months before graduation. He was not permitted to remain there long, for the great conflict between the States was rapidly approaching, and having decided to cast his fortunes with those of his native State, although scarcely of age, he proceeded to raise a company, which was soon thereafter mustered into the service of the State and of the Confederacy. Whilst guarding the mountain passes leading from Kentucky into Virginia, Captain SLEMP's command was opposed to that of Colonel Garfield, afterwards the martyr President of the United States. Later he served with his command in Kentucky. On his return to Virginia he organized the Sixty-fourth Virginia Regiment, of which he became the commanding officer, serving with it in southwestern Virginia, East Tennessee, and East Kentucky. Under General Marshall he participated in the raid through eastern Kentucky, and later he was ordered with his command to Chickamauga, but before his preparations had been completed the order was countermanded. His military services practically ended at Cumberland Gap, where the entire command of General Frasier, of which his regiment formed a part, was surrendered to the Union forces.

The war ended, Colonel SLEMP returned to his home in Lee County. He had married Miss Nancy Brittain Cawood, of Owsley County, Ky., in the year 1864, whilst serving in that State, and having arranged to purchase the old Slemp homestead, he resolutely set to work to earn a livelihood for himself and family and to lay the foundations for the handsome competency which he later accumulated. There was still small opportunity for the accumulation of wealth in that isolated section, but by perseverance and industry and the exercise of that intelligence and fine business instinct which characterized his entire career as a man of affairs, he soon won for himself a commanding position in the industrial life of his section.

In 1878 Colonel SLEMP was elected to the house of delegates of Virginia, where he became an ardent advocate of the readjustment of the State's indebtedness, and where he numbered among his intimate friends such prominent leaders of that then popular movement as Gen. William Mahone, Senator H. H. Riddleberger, and Hon. John E. Massie. He was reelected to the house of delegates by a largely increased majority in 1880. Up to this time Colonel SLEMP was a Democrat in politics, but he subsequently, along with General Mahone and other prominent readjusters, became affiliated with the Republican party, to which political organization he ever afterwards gave his allegiance.

In 1883 he was a candidate for the State senate, but was defeated by a small majority, since many of his old friends and supporters among the readjusters—that issue having been settled—returned to the Democratic fold.

In 1890 he received the Republican nomination for lieutenant-governor on the unsuccessful ticket headed by General Mahone. The canvass which he made, however, brought him into State prominence, and thereafter he was frequently honored by his party, having more than once occupied the position of elector on its Presidential tickets.

In 1902 he was elected a Representative in Congress from the Ninth Congressional District, and he was twice thereafter reelected by increased majorities, but in each of these three contests he was vigorously opposed, and only succeeded in winning the election after a bitterly contested campaign. It is safe, therefore, to affirm that the Ninth District has never witnessed harder fought political battles than the three from which Colonel SLEMP emerged as victor.

As the sole Representative of his party in Congress from Virginia, he was selected by President Roosevelt as the Republican referee for the entire State, and thus it was that his time became largely occupied in dispensing Federal patronage. That he could under circumstances such as these give any considerable attention to his official and public duties is really to be wondered at, and yet at least one of his committee assignments demanded of him constant application and untiring work. He laid no claims to the graces and gifts of oratory and he made no speeches in Congress, but he was a laborious worker, and his intensely practical mind and strong powers of application enabled him to accomplish much in the way of legislation.

It is no small tribute to Colonel SLEMP's tactfulness as a man and to his skill and ability as a political leader that his absolute supremacy was never seriously contested by his party associates and that his party leadership was universally recognized and generally accepted throughout the State of Virginia, as well as in the district of which he was the actual Representative in Congress. That, as the sole dispenser of great Federal patronage in his State, he did not incite bitter opposition to his leadership in his party is also a high tribute to his political sagacity and to his adroitness as a leader of men.

Colonel SLEMP was preeminently a man of action. In business, as in politics, he was ever aggressive, and in both was exceptionally successful. It is said of him that he fought for everything in life which he obtained that was worth the having, and that he owed the eminence which he attained in politics to constant effort and persistent warfare.

For forty years he was a member of the Methodist Episcopal Church South and a firm believer in its teachings, and, I am told, always a liberal contributor toward its support.

That he was steadfast and loyal to his friends and unflinchingly firm in his convictions is the judgment of those who knew him well, and I can bear cheerful and willing testimony that in all his relations to his colleagues he was uniformly courteous and ever regardful of their feelings. His bearing toward them was both unostentatious and unassuming, and in his intercourse with his fellow Members he was at all times genial and open-hearted. Politically, he and I were very far apart, and as to most of the great public questions now before the country we differed widely and radically, but personally our relations were most cordial and friendly and therefore it is that I have availed myself of this opportunity to speak of his life and achievements and to pay an humble tribute of respect to his memory.

To the keeping of those who loved him in life, and by whom his memory will ever be cherished, has been surrendered the record of his long, earnest life—a life full of effort and achievement. To them that record will ever remain a priceless inheritance and a sacred possession.

Mr. GAINES of West Virginia. Mr. Speaker, those men whose lives are spent in a struggle to advance the principles in which they believe, against their own personal interests, at a sacrifice of their own comfort and with scant hope of success, must always command not merely our respect, but our intense admiration.

The difference in our ages precluded any very intimate acquaintance and association between Colonel SLEMP and myself. My personal acquaintance with him was limited to the Fifty-eighth Congress and Fifty-ninth Congress, during which we were both Members of this House. It falls therefore more properly to others than to me to review his career minutely. His entire history, however, was one of unselfish devotion to principle and indomitable determination to fight for his opinions, without regard to his interests. Taking first the company of which he was captain, then the regiment of which he was colonel, into the service of the Confederacy, a service which could appeal to no property interest of himself or of his mountaineer neighbors who followed him, he gave, when scarce more than a boy, an example of his capacity for leadership and his devotion to what he deemed to be right, characteristic not only of his life, but marking him unmistakably as a type of his section. Emerging from the poverty in which the war left him, by the avocations of the school-teacher and farmer he again presents himself as typical of the class and section to which he belonged. No one less responsive to the demands of duty, no one less obedient to the dictates of conscience, no one less disposed to disregard his own interests, his own ease and comfort at the call of conviction could by any possibility have lived such a life as his.

Knowing something in a large way of his history, and having known many men of his type in my own State, I was prepared to understand him perhaps better than most Members of this House. And so, not knowing him very well personally, I still took a deep interest in his career, recognizing in him a conspicuous type of a section and a people whose history has not yet been written.

Casting his lot as a young man with the Confederacy, on the side of the State against the great majority of his country, because he deemed his duty to be that way, he allied himself during his mature years to that political party which did not meet with the concurrence of the majority of the people of his State. The proprieties and my disposition on such an occasion prevent my saying anything partisan or political in its nature. But our admiration for courage, for determination, for devotion to a cause without regard to success, compel equal admiration for the men possessing those qualities whether they be Confederates at Appomattox or Republicans in the South. It is a part of his history that when the troops of which his regiment was a part were to be surrendered, he secured the permission of the general commanding to take his regiment and attempt their escape. Dividing what was left of his regiment into groups of seven, they made their way along the mountain side from Cumberland Gap to a place of safety, Colonel SLEMP and his immediate friends being the last to escape, and so were beyond the Union lines when the Confederate troops were surrendered. When the war was over, he and his regiment ceased to fight, but they had not surrendered.

The same spirit characterized him as a party leader. From every standpoint of interest, business and social, such a political fight as he made was not easy. No man becomes or can become a leader in such a movement who consults either his fears or his love of ease. It is a leadership which belongs only to those men cast in such a mold that they can fight for their principles without reference to the result. Under such conditions those who count the cost either do not enter the controversy or enter it upon another side. There must have been many times during his long party leadership when Colonel SLEMP longed for the greater ease he had known amidst the failing fortunes of the Confederacy.

But mere blind courage, however admirable, will not suffice for such leadership. Sound judgment, untiring energy, infinite patience, and tact are alike necessary. No man can accomplish anything in such a controversy unless he possesses also those qualities which inspire the highest personal devotion and friendship. Such devotion and friendship are found only by those who in turn are true to their friends; and it is perhaps this trait of Colonel SLEMP's character of which those who knew him will most frequently think as they recall his memory. And this conspicuous loyalty of friends and to friends is the only compensation for a life of such struggle at all commensurate with the labor required and the sacrifices entailed. The ardent devotion of his followers was to Colonel SLEMP, as death terminated his long fight for his principles, the chief recompense for his efforts in a cause in which leadership is at once a martyrdom and a triumph.

Mr. FLOOD. Mr. Speaker, Hon. CAMPBELL SLEMP was born in Lee County, Va., on December 2, 1839.

He was educated in the common schools of Virginia of that day and at the Emory and Henry College, where most of the young men of southwest Virginia completed their education at that period.

With the hardy, virile, and independent spirit characteristic of mountain environment, and with the advantages of a somewhat extensive academic training, the inference would be natural that his career would be exceptional; and so it proved.

He entered the Confederate army in 1861, when just of age, as captain, and was subsequently promoted to lieutenant-colonel and colonel.

He was a Democrat until 1879, when the debt question split the party of the State. The issue was upon what was the just and equitable indebtedness of Virginia upon the debt contracted many years before the war for internal improvements.

While there was room for honest differences of opinion as to the right and equities in the case, the controversy was a most unhappy one for Virginia, especially so coming as it did at a period when the State was still crippled by the disasters and impoverishment of a long and devastating war and still agitated and unsettled by the dark problem of reconstruction.

Gen. William Mahone, who was afterwards United States Senator, was the leader of the section of the Democratic party in favor of readjusting the debt, which section acquired the title of "Readjuster party." Colonel SLEMP cast his fortunes with this party and was elected as its representative to the house of delegates in 1879, and again in 1881. In 1880 he supported the Mahone-Hancock-English presidential ticket, and subsequently went with General Mahone into the Republican party, and in 1883 was the candidate of this party for the State senate, but was defeated.

In 1889 he was nominated by the Republican party of the State for lieutenant-governor upon the ticket headed by General Mahone for governor. This ticket was overwhelmingly defeated by the Democratic ticket led by Governor Philip W. McKinney.

Mr. SLEMP was not again a candidate for an office until 1902, when he was nominated by the Republicans of the Ninth Virginia district for Congress and was elected.

This district has from time to time been an uncertain and fluctuating political quantity—now Republican, now Democratic.

But in 1894 the powerful figure of Gen. James A. Walker, the last commander of the Stonewall Brigade, loomed up as the leader of the Republican party in the district. He was a man of commanding ability, of strong personality, of undaunted courage, and of overbearing will. In 1894 and 1896 he swept all opposition before him and carried the district by large majorities.

In 1898 the Democrats nominated a man who was of forceful and aggressive personality. His intellect was as strong, his will as imperious, and his courage as dauntless as were those of James A. Walker. The entire State watched the issue expectantly, for it was known that it would be "Greek meets Greek" when James A. Walker and William F. Rhea tried conclusions upon the hustings.

It was the custom in Virginia, in districts that were at all close, for the candidates of the respective parties to engage in joint discussions. Such discussions were arranged between Rhea and Walker. They proved to be intensely dramatic and interesting, and, at times, reached the danger point. The general opinion was that Rhea got the better of his opponent in these discussions, and he was elected, and again in 1900 he overthrew the same antagonist.

In 1902 the Republicans nominated Colonel SLEMP. He conducted a still-hunt campaign against Congressman Rhea, and succeeded in defeating him by a majority of 218. The defeat of such a man as Rhea reveals, without the telling, the fact of Colonel SLEMP's popularity, influence, and power in his district.

Colonel SLEMP was reelected in 1904 over Hon. J. C. Wysor, one of the ablest lawyers and most brilliant orators in Virginia, by a majority of over 4,000; and was again elected in 1906, defeating ex-State Senator Robert P. Bruce, a splendid young Democrat, by a large majority.

As a Member of this House he made many friends by his genial manners and his kindly sympathies. His career here was quiet and unobtrusive; yet it was signalized by such untiring industry and eminent good sense that it redounded not only to the benefit of his district, but to the aggrandizement of the Republican party in the entire State.

Mr. Speaker, to the reflective mind there is an element of pathos in every life. However, the candidate for earth's honors and ambitions may gird himself with the panoply of preparation, how eagerly soever he may stand expectant for the steed of opportunity; how exultantly soever he may vault into the saddle and ride in triumph to the coveted goal, yet in every case "does black care ride behind."

This is the dispensation to universal humanity; and I can pay no higher tribute to this House than in recalling that its generous and tender usage has always been to bury all memories of strife and contention in the grave of a colleague. We all look forward to this; and we shall not be disappointed.

"There is no pocket in a shroud." There are no politics in the tomb.

Those who have sat with us in this Chamber, and are gone from among men, we remember with chastened and kindly hearts.

And so of our departed colleague we all unite in saying, "Honor to his memory; peace to his ashes."

Mr. LASSITER. Mr. Speaker, I did not have the honor of serving in this House with our deceased colleague, nor did I have the privilege of the personal acquaintance of Colonel SLEMP. Our residences have been in widely separated parts of the State. Yet I can bear testimony that for many years his name echoed loudly in the Commonwealth and his activities have been notable in the recent history of Virginia.

I shall leave to my colleagues and to his more intimate political associates a proper survey of his public services and personal merits.

That he was a brave and masterful man is evident not only from his local achievements, but from the confidence reposed in him by the Federal Administration.

In an hour like this, when the divine mystery of death overshadows human ambition and shames the animosities of men, it is reassuring to those who love our country to recognize the high qualities of mind or heart which have always characterized the representatives of the American people.

The regard which I entertain for the son and successor of our late colleague, as well as the honor due to a gentleman who has borne the mandate of a Virginian constituency to represent its wishes in this Hall, impels me to say a word of personal sympathy to the living and respect to the memory of the dead.

Mr. CAMPBELL. Mr. Speaker, Colonel SLEMP was one of almost 10,000 representative Americans who have given conspicuous service to their country in this House. His services here were not distinguished upon the floor. He was not a debater, but one acquainted with the duties of a Member of this House well knows that much arduous work is done here that is not evidenced upon the floor. Colonel SLEMP was referee for all the political patronage of the State of Virginia. That of itself is a sufficient burden for the shoulders of any man, however great. That he did this work and did it well is evidenced by the fact that he was returned to this House one session after another for three consecutive terms, at a time when he had at his disposal all the Federal patronage within his State. In addition to all of this, Colonel SLEMP had the work of a Member of this body that is required in the Departments here, and everyone who has had service in this House knows how arduous that service is and how burdensome it sometimes becomes. A visit to two or three Departments a day, keeping up the enormous correspondence that is necessary, requires a degree of industry that is not required of men in the average walks of life. He was a man of patient industry and did his work faithfully and well. My acquaintance with Colonel SLEMP began in the work of one of the busiest committees in the House, that on the District of Columbia. The work there is similar to the work that is required of the common council of a city of the size of Washington. Mr. SLEMP was always at his post. He was wise as a counselor on civic affairs, always ready to devote himself to duty, and never shrank from a single responsibility. He lived the life of a busy man. He was born to a life of struggle and contention. He endured the trials of war and reconstruction in his younger manhood. Virginia had problems after Appomattox. Colonel SLEMP took them up and assisted in adjusting them all. He met and was equal to every responsibility that rested upon him as a citizen. He did his duty as he saw it. No man can do more, and no higher tribute can be paid to a citizen of this country or to a Member of this House than to say of him that he did his duty faithfully as he saw it.

Colonel SLEMP has experimented with the problem of life and has solved the great mystery of death. He, like all the innumerable multitude who have preceded him to the grave, was cheered with the hope of victory and depressed with the fear of defeat; he was able to gratify a lofty ambition and win in many of life's notable conflicts, but when the great summons came he yielded, as all men must. To that summons no man can say nay. Life, with its hopes, with its fears, with its ambitions, with its conquests, and its defeats, must end. 'Tis the fate of all. Every man, whatever his hopes, may look forward to the time when he, too, shall answer to the summons that calls to the grave. Position, place, and power are not a defense. Ambition, achievement, and responsibility are not a bar. From the cradle to the grave life is a conflict with death. The infant struggles for life in its beginning, and finds it a struggle throughout to the end, when the mystery of death solves the last problem of life—

> E'en silent night proclaims my soul immortal;
> E'en silent night proclaims eternal day.

In this hope death loses its sting and the grave its victory.

Mr. LAMB. Mr. Speaker, for the fifth time in twice as many years the Virginia Representatives in this House are called upon to pay tribute to the character and public services of a deceased colleague. The death of one-half of their number in a decade suggests the old, old thought that "in the midst of life we are in death." These deaths have come to the young and middle-aged as well as to the old. They are solemn and stern reminders that the youngest and strongest may be called away at any hour, and that the oldest among us would do well to so carry ourselves in life that our goods and chattels may be packed and ready for the departure we must soon make.

These frequent deaths remind us of a passage in one of Thackeray's letters. He was referring to a friend who had died, and he wrote:

> He was ready, I suppose, and had his passport made out for his journey. Next comes our little turn to pack up and depart. To stay is well enough, but shall we be very sorry to go? What more is there in life that we haven't tried? What that we have tried is so very much worth repetition or endurance? I have just come from a beefsteak and potatoes and a bottle of claret, both excellent of their kind, but we can part from them without a very severe pang, and note that we shall get no greater pleasures than these from this time till the end of our days. What is a greater pleasure? Gratified ambition? Accumulation of money? What?

We have the answer in a Latin maxim: "Vanitas, vanitatem;" or, from the theologian's standpoint—

> Vanity of vanities, saith the preacher; all is vanity.

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