By Mr. LOUD: Petition of business men of Oscada, Mich., against establishment of parcels post and postal savings banks (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of Illinois Manufacturers' Association, favoring establishment of a merchant marine of fast ships for Australia, Asia, and the Orient—to the Committee on the Merchant Marine and Fisheries.

By Mr. PEARRE: Petition of citizens of Frostburg, Hancock, Mount Savage, Echart Mines, and Cumberland, all in the State of Maryland, against establishment of a parcels-post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. H. Welsh and Hetzel Brothers & Co., of Cumberland, Md., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of Hansfurther Stone Company and 6 other business firms of White Hall, Ill., favoring repeal of duty on hides—to the Committee on Ways and Means.

By Mr. SULZER: Paper to accompany bill for relief of Charles Wright Geddes—to the Committee on Naval Affairs.

Also, petition of Religious Liberty Bureau, against passage of Johnston bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of Headquarters Grand Army of the Republic and F. H. Magdeburg, of Milwaukee, against consolidation of pension agencies at Washington—to the Committee on Appropriations.

Also, petition of National Lumber Manufacturers' Association, against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of board of directors of New Orleans Cotton Exchange, favoring investigation by the Secretary of Agriculture into the use and substitution of raw cotton for other materials of manufacture and report thereon—to the Committee on Agriculture.

Also, petition of Shore Line Railway Association, for legislation to secure fair compensation for railway service of carrying the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Produce Exchange, against federal inspection and grading of grain (S. 382)—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. W. Miller, captain of New York Naval Militia, favoring H. R. 7620, establishing a naval militia—to the Committee on Naval Affairs.

Also, petition of Calaveras bigtree committee of the Outdoor Art League of the Department of California Club, for appropriation to preserve the big trees of the Calaveras groves—to the Committee on Agriculture.

Also, memorial of Spring Valley Water Company, against House joint resolution 223, allowing city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys, in the Yosemite National Park, and for other purposes—to the Committee on the Public Lands.

By Mr. TAYLOR of Ohio: Petition of Isaac Eberly Company and G. W. Bobb Company, of Columbus, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of W. J. Nutting and others, for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. TOU VELLE: Petition of Gibson Grange, No. 692, for national highways commission and federal aid in construction of public roads (H. R. 15837)—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of Tecumseh Grange, of Tecumseh, Mich., favoring Senate bills 5122 and 6484, for the parcels-post and postal savings bank system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Michigan Chapter of the American Institute of Architects, against placing the Lincoln memorial near the Union Station—to the Committee on the Library.

Also, petition of Cadmus Grange, for the creation of a national highways commission and for an appropriation to give federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. VREELAND: Petition of Belfast Grange, No. 1068, of Belfast, N. Y., favoring establishment of postal savings banks and a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Illinois Manufacturers' Association, favoring enactment of the ocean mail steamship bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. WOOD: Petition of River Side Grange, No. 125, Patrons of Husbandry, of Three Bridges, N. J., for removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of Pennington (N. J.) Grange, No. 64, Patrons of Husbandry, favoring federal aid to highways by establishment of a national highways commission—to the Committee on Agriculture.

Also, petition of New Jersey state board of agriculture and New Jersey State Horticultural Society, favoring H. R. 21318, for preventing manufacture, sale, or transportation of adulterated or misbranded fungicides or insecticides—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *February 5, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

USES OF DENATURED ALCOHOL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a special and detailed report of the Commissioner of Internal Revenue and the chief chemist of the bureau to the Secretary of the Treasury, reviewing observations and work in Europe regarding denatured alcohol, its manufacture and uses (H. Doc. No. 1419), which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing vote of the two Houses thereon, and had appointed Mr. CAMPBELL, Mr. OLCOTT, and Mr. JOHNSON of Kentucky managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large; and

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois.

ENROLLED BILLS SIGNED.

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

S. 8460. An act to provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels;

H. R. 2952. An act for the relief of Chaplain Henry Swift, Thirteenth Infantry, U. S. Army;

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 11460. An act to remove the charge of desertion from the military record of William H. Houck;

H. R. 16015. An act for the relief of Lafayette L. McKnight; and

H. R. 20171. An act to correct the military record of George H. Tracy.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of Liberty Grange, No. 1557, of Trumbull County, Ohio; of Local Grange No. 140, of Freedom, N. H.; and of local grange of Wauseon, Ohio, all Patrons of Husbandry, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented a memorial of the Produce Exchange of Toledo, Ohio, remonstrating against the enactment of legislation providing for the inspection and grading of grain under federal control, which was ordered to lie on the table.

He also presented petitions of Pomona Grange, of Franklin County; of Friendship Grange, No. 670, of Hardin County; and of Local Grange No. 271, of Sharon, all Patrons of Husbandry, in the State of Ohio, praying for the passage of the

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so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of Merrimac, Rye, Milton, and West Thornton, all in the State of New Hampshire, and of Olympia, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a memorial of sundry citizens of North Yakima, Wash., and a memorial of sundry citizens of Ephrata, Wash., remonstrating against the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a petition of sundry citizens of Effingham, Kans., and a petition of sundry citizens of Winona, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Englevale, Kans., remonstrating against the enactment of any legislation proposing to change the present mail service in that city, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a joint resolution of the legislature of Colorado, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

CERTIFICATE.

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the foregoing joint resolution of the seventeenth general assembly of the State of Colorado, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 29th day of January, A. D. 1909.

[SEAL.] JAMES B. PEARCE,
Secretary of State.

Senate joint resolution 1. By Senator Bohn.

Whereas, by the acts of May 15, 1828, and of June 7, 1832, granting full pay during life to the surviving officers and enlisted men of the Army, Navy, and Marine Corps who served with credit during the Revolutionary War, the Congress of the United States established a precedent for the reward of patriots who offered their lives in defense of the liberties of their country and of the Constitution of the United States; and

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in time of war to rely upon the patriotism of the people to rally as volunteers in defense of the flag of the nation; and

Whereas it is a recognized fact that the civil war, 1861 to 1865, forms the most sanguinary chapter of the history of the world, during which struggle the Regular Army was maintained at about 25,000 men, while the Volunteer Army numbered more than 2,500,000 officers and enlisted men; and

Whereas it is also a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great, reunited people, now enjoying the inestimable blessings of a preserved Union, owe a debt of gratitude that can never be paid; and

Whereas the Congress of the United States during the civil war made frequent pledges that the services of the Volunteer Army should be fully rewarded and recognized by a grateful country; and

Whereas the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of a captain of the Navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had served with credit during the civil war; and the act of 1905, providing for the retirement of two officers of volunteers, namely, Generals Joseph R. Hawley and P. J. Osterhaus, with the rank and pay of brigadier-generals, were acknowledgments of the obligations incurred by the Congress of the United States while the civil war was in progress; and

Whereas there is now pending in the Senate and House of Representatives of the United States a bill entitled "A bill to create in the War and Navy departments, respectively, a roll to be known as the 'Civil war officers' annuity honor roll,'" which bill grants to the surviving officers of the Volunteer Army who served with credit during the civil war as officers or enlisted men for the total period of two years one-half of the pay of the highest rank held by them during such term of service, and to those who served less than two years and not less than six months, like pay in proportion to their periods of service: Therefore be it

Resolved by the senate and house of representatives of the State of Colorado, That, in our opinion, the surviving officers of the Volunteer Army, Navy, and Marine Corps who served with credit in the great war for the preservation of the Union are entitled to recognition equal to that bestowed upon the officers who served in the Revolutionary war by the acts of 1828 and 1832, and should receive from the National Government honors and emoluments equal to those which have heretofore been bestowed upon any officer who served in time of war in defense of the country.

Resolved further, That we respectfully urge upon the Sixtieth Congress of the United States the passage of the above-named bill, and request the Senators and Representatives of the Sixtieth Congress from the State of Colorado to aid in the prompt enactment into law of the bill above mentioned, that the surviving officers of the Volunteer Army, Navy, and Marine Corps may, upon application, receive the pay and emoluments to which they are justly entitled by the reason of their services during the civil war and precedents heretofore established.

Resolved further, That, in our opinion, as such survivors constitute but a small remnant of that body of gallant men who led the Union forces to final victory, and their ranks are being rapidly depleted, the Congress of the United States should lose no time in redeeming the obligations to these men made by the Thirty-seventh, Thirty-eighth, and Thirty-ninth Congresses of the United States.

STEPHEN R. FITZGERALD,
President of the Senate.
H. L. LUBERS,
Speaker of the House of Representatives.

Approved this 29th day of January, A. D. 1909.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 8914) granting an increase of pension to William Fifer, which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 8141) granting a pension to Sarah J. Fulton, which was referred to the Committee on Pensions.

Mr. SMITH of Michigan presented a memorial of the Michigan Chapter, American Institute of Architects, of Michigan, remonstrating against the enactment of legislation providing for the erection of the proposed Lincoln memorial in the vicinity of the Union Station, Washington, D. C., which was referred to the Committee on the Library.

Mr. CULLOM presented memorials of Charles E. Hovey Post, No. 786, of Normal; of Loomis Post, No. 106, of Du Quoin; and of Kansas Post, No. 405, of Kansas, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, remonstrating against the enactment of legislation providing for the consolidation of certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. GALLINGER presented petitions of the National Woman's Christian Temperance Union, of sundry citizens, and of the Georgetown Citizens' Association, all in the District of Columbia, praying for the adoption of certain amendments to the present excise law regulating the sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. RAYNER presented a petition of sundry citizens of the State of Maryland, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Barre Grange, No. 1026, Patrons of Husbandry, of Albion, N. Y., and a petition of Mount Hope Grange, No. 902, Patrons of Husbandry, of Wappingers Falls, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business firms of the State of New York, praying that the Government of Cuba be prevailed upon to recognize roasted coffee as being a product of the industry of the United States and entitled to certain benefits under the reciprocity agreement between the Republic of Cuba and the Government of the United States, which was referred to the Committee on Finance.

Mr. PAGE presented a petition of the Local Branch, Asiatic Exclusion League of North America, of San Francisco, Cal., praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States except merchants, students, and travelers, and remonstrating against the extension of the right of naturalization to Asiatics, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of St. Albans Bay, Bennington, Pittsfield, and Chittenden, all in the State of Vermont, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 8276) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 8461) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907, submitted an adverse report (No. 923) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HALE, from the Committee on Appropriations, to whom was referred Senate resolution 276, submitted by Mr. CUL-

BERSON February 3, relating to the pay of clerks and messengers to Senators, asked to be discharged from its further consideration and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 5092) to remove the charge of desertion against the military record of James A. Windsor, reported it without amendment and submitted a report (No. 924) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 8441) to authorize the Secretary of the Interior to cause to be surveyed any unsurveyed lands belonging to the Five Civilized Tribes, and for other purposes, reported it without amendment and submitted a report (No. 925) thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 7298) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, reported it with amendments and submitted a report (No. 926) thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 18487) for the relief of Charles H. Dunning, reported it without amendment and submitted a report (No. 927) thereon.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 23707) to incorporate the Imperial Palace, Dramatic Order Knights of Khorassan (Report No. 928); and

A bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances (Report No. 929).

PHILIPPINE LEGISLATURE.

Mr. LODGE. From the Committee on the Philippines I report back favorably with amendments the bill (H. R. 25155) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and I submit a report (No. 918) thereon. I ask for the present consideration of the bill. I will say, Mr. President, that the only purpose of the bill is to change the date of meeting of the Philippine assembly.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

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

Mr. CULBERSON. I did not hear the statement made a moment ago by the Senator in charge of the bill.

Mr. LODGE. It is a House bill merely permitting a change of date in the assembling of the Philippine legislature; that is all.

Mr. CULBERSON. Very well.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the committee were, on page 2, to strike out the proviso beginning in line 8, in the following words:

Provided, however, That the Philippine legislature may by law fix the date for the commencement of its annual sessions.

After the words "*provided further,*" in line 10, to strike out the word "That" and insert the word "and," and after the word "election," at the end of line 12, to insert the following proviso:

Provided, That the Philippine legislature, after its first meeting as herein provided, may by law fix a date other than the first Monday of February in each year for the commencement of its annual sessions.

So as to make the bill read:

Be it enacted, etc., That the seventh section of the act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902, is hereby amended to read as follows:

"SEC. 7. The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included), and the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: *Provided,* That the Philippine legislature, after its first meeting as herein provided, may by law fix a date other than the first Monday of February in each year for the commencement of its annual sessions: *And provided further,* That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

The amendments were agreed to.

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

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

The bill was read the third time and passed.

The committee reported an amendment to strike out the preamble, and it was agreed to.

CONDEMNED CANNON FOR STATE OF IOWA.

Mr. WARREN. From the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 27051) authorizing the Secretary of War to furnish one condemned brass or bronze "Napoleon" gun, carriage, and cannon balls to the State of Iowa, and I submit a report (No. 916) thereon. I ask the attention of the junior Senator from Iowa [Mr. CUMMINS] to the bill.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Wyoming.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

CONDEMNED CANNON FOR CHEYENNE, WYO.

Mr. WARREN. I report back favorably from the Committee on Military Affairs, without amendment, the joint resolution (S. R. 126) authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo., and I submit a report (No. 917) thereon. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

CANAL TO EEL RIVER, CALIFORNIA.

Mr. FRYE, from the Committee on Commerce, to whom was referred Senate concurrent resolution 84, submitted on the 2d instant by Mr. PERKINS, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California.

MARK TOMLINSON.

Mr. du PONT. I report back from the Committee on Military Affairs with an amendment the bill (S. 8603) for the relief of Mark Tomlinson, and I submit a report (No. 920) thereon. I invite the attention of the senior Senator from Wisconsin [Mr. LA FOLLETTE] to the bill.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 6, after the word "Infantry," to strike out the words "and the Secretary of War is hereby authorized to issue to said Mark Tomlinson a certificate of honorable discharge as of that date," so as to make the bill read:

Be it enacted, etc., That Mark Tomlinson shall hereafter be held and considered to have been honorably discharged on September 18, 1863, as first lieutenant Company A, Tenth Regiment Connecticut Volunteer Infantry: *Provided,* That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

MOORES CREEK BATTLE GROUND ASSOCIATION.

Mr. OVERMAN. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 8708) authorizing the Secretary of War to furnish two condemned cannon to Moores Creek Battle Ground Association, and I submit a report (No. 919) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 4, after the words "directed to," to strike out the remainder of the bill and to insert:

Donate to Moores Creek Battle Ground Association, of Currie, N. C., two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to Moores Creek Battle Ground Association, of Currie, N. C., two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill authorizing the Secretary of War to donate two condemned cannon to Moores Creek Battle Ground Association."

TOWN LOTS IN OKLAHOMA.

Mr. OWEN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 9036) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla., and I submit a report (No. 921) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

WINNEBAGO INDIAN LANDS.

Mr. BROWN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (S. 9039) to enable the Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska, and I submit a report (No. 922) thereon. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 9129) for the relief of John W. Twiggs and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 9130) to correct the military record of Andrew Edgar, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 9131) for the relief of Abner C. Proctor, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 9132) for the extension of Albemarle street from Wisconsin avenue to the east line of Thirty-ninth street NW., which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 9133) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 9134) for the relief of the heirs of Rear-Admiral Henry Glass, U. S. Navy, retired, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 9135) naturalizing George Drought, which was read twice by its title and, with the accompanying papers, referred to the Committee on Immigration.

Mr. OWEN introduced a bill (S. 9136) amending an act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 9137) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 9138) granting an increase of pension to Elias H. Funk, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9139) granting an increase of pension to Horatio J. Collins;

A bill (S. 9140) granting an increase of pension to John B. Holt;

A bill (S. 9141) granting an increase of pension to Ransom Manning;

A bill (S. 9142) granting an increase of pension to Hosea Q. Mason;

A bill (S. 9143) granting an increase of pension to Martin V. Worden;

A bill (S. 9144) granting an increase of pension to Henry S. Perry;

A bill (S. 9145) granting a pension to Daniel F. Healy (with the accompanying papers); and

A bill (S. 9146) granting a pension to Sarah D. Drew (with the accompanying papers).

Mr. PAGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 9147) granting an increase of pension to John N. Schmerhorn;

A bill (S. 9148) granting an increase of pension to Henry S. Tillotson; and

A bill (S. 9149) granting an increase of pension to John Preman.

Mr. FRAZIER introduced a bill (S. 9150) for the relief of the estate of H. J. Binkley, which was read twice by its title and referred to the Committee on Claims.

Mr. CULBERSON (by request) introduced a bill (S. 9151) for the relief of the heirs of H. C. Plemons, which was read twice by its title and referred to the Committee on Claims.

Mr. BANKHEAD introduced a bill (S. 9152) for the relief of the heirs of the estate of John Hogan, which was read twice by its title and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 9153) granting an increase of pension to William Allen King, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 9154) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, approved May 27, 1908, which was read twice by its title and referred to the Select Committee on Industrial Expositions.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9155) granting an increase of pension to Robert Hilliard; and

A bill (S. 9156) granting an increase of pension to John C. Milton.

Mr. WARNER introduced a bill (S. 9157) granting an increase of pension to Emma A. Porch, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 9158) granting an increase of pension to Amos K. Smith, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER (by request) introduced a bill (S. 9159) for the relief of Cornelius Ruffin and others, which was read twice by its title and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 9160) authorizing the Secretary of War to furnish four condemned brass or bronze field guns, carriages, and cannon balls to the State of South Carolina, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. OWEN introduced a bill (S. 9161) to place Edward P. Champlin on the retired list of the United States Army, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 9162) for the relief of the heirs of Eldred Nunnally, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 9163) granting a pension to Elizabeth Agnes Plunkett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANKENY submitted an amendment proposing to appropriate $30,000 to aid in the payment of the expenses of the Seventeenth National Irrigation Congress, to be held in the city of Spokane, Wash., in the year 1909, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $3,600 to purchase certain land as an addition to the Fort Douglas Military Reservation, intended to be proposed by him to the army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OWEN submitted an amendment referring to the Court of Claims the claims of the Creek Nation of Indians against the United States on account of land alleged to have been taken from them by the United States without compensation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Postmaster-General to settle the accounts of Charles B. Carter for rent of post-office at Ardmore, Okla., etc., intended to be proposed by him to the post-office appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. NIXON submitted an amendment proposing to appropriate $23,000 for the establishment of a fish-cultural station at some suitable point in the State of Nevada, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment relative to the compensation of watchmen, messengers, and laborers in the Post-Office Department, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

IMPROVEMENT OF CHEBOYGAN RIVER, MICHIGAN.

Mr. SMITH of Michigan submitted the following concurrent resolution (S. C. Res. 88), which, with the accompanying papers, was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Cheboygan River, Cheboygan County, Mich., for the purpose of widening its channel and rebuilding or repairing the locks in said river as will render the river navigable to boats drawing 8 feet of water, and to furnish an estimate of the cost of such improvement.

CONDITIONS AT ARMY POSTS.

Mr. SCOTT submitted the following resolution (S. Res. 280), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military reservations, posts, and stations of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpœna witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties, the expenses incurred to be paid out of the contingent fund of the Senate.

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT submitted the following concurrent resolution (S. C. Res. 87), which was referred to the Committee on the District of Columbia:

Whereas the Government of the United States is now paying $471,000 annually for the use of private buildings in the city of Washington and the District of Columbia in which to conduct the public business and store valuable documents; and

Whereas some of these buildings are not fireproof and are unsafe and otherwise unfit for such service; and

Whereas recently a large number of valuable public records were destroyed by fire in one of said buildings and the public business otherwise interrupted: Therefore

Resolved by the Senate (the House of Representatives concurring), That the Committees on Public Buildings and Grounds of the Senate and House of Representatives be, and are hereby, authorized, empowered, and directed to thoroughly investigate the necessity for renting said buildings or other private buildings for said purposes, the reasonableness of the rental paid and to be paid, the kind and length of existing leases, and the necessity for the Government to erect suitable buildings in said city and District in which to transact the public business, and the probable cost thereof, making a full and complete investigation of the whole subject, the said committees being fully authorized and empowered to summon and examine witnesses, administer oaths, and make said investigation as clear and complete as practicable.

LONDON SLIDING SCALE FOR GAS.

Mr. GALLINGER. An article in the Progressive Age of January 15, 1909, entitled "London sliding scale for gas," by Civil Engineer William D. Marks, who is an authority on the subject, is of great interest at the present time, when the gas question is being considered in both Houses of Congress. I move that the article be printed as a document (S. Doc. No. 696) and referred to the Committee on the District of Columbia.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR LATIMER.

Mr. TILLMAN. Mr. President, I desire to give notice that on February 27 I will ask the Senate to consider resolutions commemorative of the life and character of Hon. ASBURY CHURCHWELL LATIMER, late a Senator from the State of South Carolina.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE POWERS.

Mr. FRYE. Mr. President, I desire to give notice that on Saturday, February 27, I will ask the Senate to consider resolutions commemorative of the life and character of LLEWELLYN POWERS, late a Member of the House of Representatives from the State of Maine.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had, on the 4th instant, approved and signed the following joint resolution:

S. R. 118. Joint resolution to enable the States of Tennessee and Arkansas to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory.

DISTRICT BUILDING INSPECTION DEPARTMENT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 697); which was read, and, with the accompanying paper, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Commissioner of Labor and Special Agent Victor S. Clark, of the Bureau of Labor, relating to an investigation conducted by them into the office of the building inspector of the District of Columbia, and I recommend that the Congress authorize the appointment of a commission of three members, with power to administer oaths, to make a thorough investigation of the building inspection department of the District of Columbia; and that an appropriation of $3,500 be made to defray the expenses of this commission.

I append herewith an extract from a recent verdict of a coroner's jury, and certain letters which explain the reason of the investigation conducted by the Bureau of Labor.

I agree fully with the position taken in the report from the Bureau of Labor that the building inspection department should not be left under suspicion as the result of unproven charges. In the interest of the building inspector, no less than of the public, there should be a thoroughgoing investigation of the conduct of his office. If that important department of the District government is inefficient or improperly conducted, its personnel should be reorganized. If, on the other hand, the criticism of it is unfounded, this should be demonstrated to the public's satisfaction and the building inspector vindicated and sustained.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 5, 1909.*

HOUSE BILLS REFERRED.

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois, was read twice by its title and referred to the Committee on Commerce.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, and 8, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out amended as follows:

On page 5 of the bill, in lines 10 and 11, strike out the sum "five hundred thousand dollars" and insert in lieu thereof the sum "$150,000;" and the Senate agree to the same.

EUGENE HALE,
J. H. GALLINGER,
H. M. TELLER,
Managers on the part of the Senate.

J. A. TAWNEY,
EDWARD B. VREELAND,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

IMPROVEMENT OF HARBOR AT LEXINGTON, MICH.

The VICE-PRESIDENT. Morning business is closed. The Chair lays before the Senate concurrent resolution No. 80.

Concurrent resolution 80, submitted by Mr. SMITH of Michigan on the 27th ultimo and reported from the Committee on Commerce on the 3d instant, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet and to submit a plan and estimate for such improvement.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask unanimous consent that the District of Columbia appropriation bill be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at line 13, on page 81.

The next amendment of the Committee on Appropriations was, on page 81, line 18, before the word "bailiffs," to strike out "three" and insert "seven;" in line 19, after the word "each," to strike out "four bailiffs, at $720 each;" and in line 24, before the word "dollars," to strike out "three hundred and sixty" and insert "four hundred and eighty," so as to read:

Police court: For 2 judges, at $3,600 each; clerk, $2,000; 2 deputy clerks, at $1,500 each; 2 deputy clerks, at $1,200 each; deputy clerk, to be known as financial clerk, $1,500; 7 bailiffs, at $900 each; deputy marshal, $1,000; janitor, $540; engineer, $900; assistant engineer, $720; fireman, $480.

The amendment was agreed to.

The next amendment was, on page 82, line 3, to increase the total of the appropriation for officers and employees of the police court from $27,480 to $28,320.

The amendment was agreed to.

The next amendment was, on page 82, line 6, after the word "buckets," to insert "city directory;" and in line 10, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to make the clause read:

Miscellaneous: For fuel, gas, laundry work, stationery, printing, preservation of records, mops, brooms, buckets, city directory, removal of ashes and other refuse, telephone service, electric current, and all other necessary and incidental expenses not otherwise provided for, $2,500.

The amendment was agreed to.

The next amendment was, on page 82, line 11, to increase the appropriation for witness fees from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 82, line 17, to increase the appropriation for repairs to the police court building from $300 to $750.

The amendment was agreed to.

The next amendment was, on page 82, line 19, to increase the total of the appropriation for miscellaneous expenses of the police court from $16,850 to $18,050.

The amendment was agreed to.

The next amendment was, on page 83, line 2, to increase the appropriation for writs of lunacy from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 2, to strike out—

Justices of the peace: For six justices of the peace, at $2,500 each, and the further sum of $400 each for rent, clerical services, stationery, and other expenses; in all, $17,400.

The amendment was agreed to.

The next amendment was, on page 83, after line 7, to strike out—

The next vacancy occurring in the office of justice of the peace for the District of Columbia shall not be filled, and thereafter the number of justices of the peace for the district of Columbia shall not exceed five.

The amendment was agreed to.

The next amendment was, under the head of "For courts and prisons," on page 85, after line 23, to insert:

Sites for reformatory and workhouse: The Commissioners of the District of Columbia are hereby authorized and directed to purchase two tracts of land, widely separated, of not less than 1,000 acres each, either or both of which to be situated in the State of Maryland or in the State of Virginia; one of said tracts shall be used as a site for the construction and erection of a reformatory of sufficient capacity to accommodate at least 1,000 prisoners, and the other for the construction and erection of a workhouse of sufficient capacity to accommodate at least 500 prisoners, and to build necessary temporary structures on each tract; the said commissioners are hereby authorized and directed to appoint a commission to consist of three persons, one of said commissioners shall be chairman, which commission shall employ an architect skilled in the construction of such buildings to prepare all plans, specifications, and estimates deemed necessary or required by said commission, and which shall first be approved before acceptance by the Commissioners of the District of Columbia, who are hereby required to construct said reformatory and workhouse; and on their direction the prisoners at the time confined in any existing workhouse of said District shall clear and prepare any or all such tracts of land for building, and assist in the construction of any or all of said buildings; and the supreme court of the District of Columbia, and the Attorney-General, and the warden of the jail of said District, are hereby authorized and directed, on the request of the Commissioners of the District of Columbia, to require male prisoners at the time serving sentence in said jail to do the said work. For the purchase or condemnation of said sites, work of preparing same for buildings, and erection of said temporary structure and the means necessary thereto, the sum of $16,696.64 is hereby appropriated, and in addition thereto the unexpended balance amounting to $83,303.36 of the appropriation of $85,000 for the erection of an administrative building for the workhouse for males in the District of Columbia appropriation act, approved March 2, 1907, is hereby reappropriated and made available for these purposes: *Provided*, That no expense for the actual erection of permanent buildings shall be incurred until an appropriation shall be made for such purpose.

For architects' services and necessary expenses of said commission, to be approved by the Commissioners of the District of Columbia, $10,000.

Mr. BURKETT. Mr. President, I call the attention of the Senator in charge of the bill to page 86, line 7. I move to amend the amendment at that point by striking out the word "prisoners" and inserting the word "inmates." As it applies to a reform school, it seems to me "inmates" is a better word than "prisoners."

Mr. GALLINGER. I agree to that. I think it is a wise suggestion.

The amendment to the amendment was agreed to.

Mr. BURKETT. I call attention to line 3, on page 86, where the location of the institution is limited to the State of Maryland or the State of Virginia. I take it that the idea is to place it somewhere near the District of Columbia. It might be that there would be in some other State a good location, and one just as close; and I suggest that we place it at within 50 miles of the District of Columbia.

Mr. GALLINGER. How far?

Mr. BURKETT. I suggest that we put it within 50 or 75 miles of Washington.

Mr. GALLINGER. I think the belief is—certainly it is the belief of the commission which have investigated this matter—that they will be able to get land within 15 or 20 miles of the city of Washington.

Mr. BURKETT. If it be in the State of Maryland, I can see that they may go more than a hundred miles, and I thought it had probably better be limited to miles rather than to States.

Mr. GALLINGER. They will get it as near the city of Washington as possible. In the report of the commission the provision suggested was that the land should be purchased in the District of Columbia or in the State of Maryland or in the State of Virginia. There is no acreage in the District of Columbia that possibly could be secured of sufficient amount, so the Committee on Appropriations struck out the District of Columbia. But the purpose is, I will say to the Senator from Nebraska, to get the land as near the city of Washington as possible, on the line of a steam railroad or an electric railroad, at such a point as it can be bought for a small sum per acre, and the gentlemen who have investigated this matter say that there is going to be no difficulty about that.

Mr. BURKETT. I will say that the purpose of the amendment I suggested was to accomplish exactly what the Senator has stated in his remarks; that is, to get the land close to Washington, rather than in any particular State. Therefore, I sug-

gested that it might be better to substitute the words "within 50 miles or within 25 miles of the city of Washington," rather than limit it to the State of Maryland or the State of Virginia, where the location selected might be a long way off.

Mr. GALLINGER. There is no other State within that distance, is there, where a selection could be made?

Mr. BURKETT. There are a good many places that are a long distance from Washington in those States. That is what I was trying to get at.

Mr. GALLINGER. I will assure the Senator from Nebraska that there will be no trouble about that. The land will be secured as near Washington as possible.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. GARY. Mr. President, this seems to be entirely new legislation. The necessity for it may be evident to members of the committee, but those of us who are not on the committee are not so familiar with it, and I should be very glad if the Senator in charge of the bill would give us some idea about it.

Mr. GALLINGER. Mr. President, I will say to the Senator from South Carolina that this is a matter that has been agitated for a great many years. We have, within a mile and a half of this Capitol, on the shores of the Eastern Branch of the Potomac River, a collection of institutions—a jail, a workhouse, a smallpox hospital, a crematory, and various other buildings. They are very much crowded. They ought not to remain there. As a matter of fact, the city is expanding very rapidly in that direction, and the conditions at the jail are deplorable in the extreme. There are, I think, about 600 prisoners in the jail. There are no sanitary conveniences there. It is so crowded that in many instances there are two prisoners in a very small cell; they are in enforced idleness; there is no means of putting them to work; and the result is that in place of making them better they are growing day by day worse, so far as their morals are concerned, and we are simply supporting them without getting any return whatever from them.

In the workhouse the conditions are not so bad, although that also is very much crowded. Those men are worked to some extent on the streets, being sent out in gangs for that purpose. The prisoners confined in the jail are short-term prisoners, the law requiring that all prisoners sentenced for over one year shall be sent to a penitentiary. We have no penitentiary in this District. The penitentiary prisoners are sent to Moundsville, to Atlanta, and to other prisons in different parts of the country to be cared for.

Realizing the bad conditions existing there and the necessity for doing something, Congress at its last session legislated so as to authorize the President of the United States to appoint a commission to investigate the subject and to recommend remedial legislation.

The President appointed a commission, consisting of Judge Stafford, of the supreme court of the District of Columbia, a very able man; Mr. John Joy Edson, a very prominent business man in the city of Washington, and a man who takes great interest in charitable institutions; and Mr. La Dow, of the Department of Justice, who has had to do with prisons and reformatories. Those gentlemen made a very exhaustive investigation. They traveled all over the country, visited prisons and reformatories, and they have made a report that is embodied in Senate Document No. 648, which ought to be read by every Senator. It is a most interesting and illuminating report. As a result of their investigation, they have recommended the legislation which is embodied in this bill.

The proposition is that we shall purchase two widely separated tracts of land of a thousand acres each in some adjoining State; that on one of those tracts of land we shall build a reformatory, to which short-term prisoners can be sent—all those people who are convicted of petty crimes; and that on the other we shall build a jail, to which shall be sent the prisoners who have committed crimes of sufficient gravity to send them to jail.

Mr. BACON. Will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. BACON. When the Senator from New Hampshire says "send them to jail," does he include in that felonies?

Mr. GALLINGER. I did not catch the Senator's question.

Mr. BACON. I ask the Senator, does he include among the offenses to which he refers felonies?

Mr. GALLINGER. No crime that is of sufficient gravity to require a state-prison sentence.

Mr. BACON. That is what I referred to. In other words, you do not propose to send to this newly constructed jail those who are now, for instance, sent to Moundsville?

Mr. GALLINGER. Not at all. We do not interfere with that.

As I suggested, these institutions are to be widely separated, one on one tract of a thousand acres and the other on another tract of a thousand acres, so that those in the reformatory will not come in contact with the prisoners in the jail.

At the last session of Congress we appropriated $85,000 to erect an administration building at the workhouse, which, as I said before, is on the Eastern Branch of the Potomac River. That appropriation is still held in the Treasury, for the reason that it has been thought unwise, pending this discussion, to expend that amount of money for an administration building, which, if expended, would do nothing whatever for the poor unfortunates who are housed there, crowded to suffocation almost, but would simply give us an administration building. The commission say that they can buy 2,000 acres of land in the adjoining State of Virginia or Maryland and construct temporary buildings for $100,000. This bill proposes that we shall reappropriate that $85,000, or the $83,500 which remains of it, and add a sufficient amount to make it $100,000, which will buy the land and will enable them to build temporary structures to house the criminals while they are improving the land and building permanent structures, the purpose being, as I understand, to construct buildings of concrete, which is comparatively inexpensive, but which will answer every possible requirement.

The commission called my attention particularly to one institution, the location of which I have forgotten, where they found buildings that were estimated to cost $240,000, but by utilizing the labor of the convicts they had cost only $40,000. So that if permitted to put up temporary structures to house the convicts while they are employed in the construction of these buildings, we shall get the buildings constructed for a very small amount of money.

Massachusetts has a farm at Bridgewater, which has attracted a great deal of attention. I think it is 30 or 40 miles from the city of Boston. It consists of a thousand acres, and prisoners are sent there from Boston day by day. They are required to work. They have made a garden spot of that tract of land, where they not only perform labor on the land, but where they raise vegetables that are furnished to all the other penal institutions of the State, and I think they are also manufacturing certain articles for use in the other institutions. It is a model institution of its kind. It is the purpose of this commission, if this legislation is enacted, to create two institutions somewhat similar to that at Bridgewater, where the prisoners themselves can not only construct the buildings to a large extent, but where they can raise produce that can be utilized in the other eleemosynary institutions of the District of Columbia. It is not a dream; it is simply a practical question that confronts us at this time. It relates to a matter that we must do something about in the near future. It proposes, if it is carried into effect, to rid this city of the deplorable condition that exists on the Eastern Branch of the Potomac River, and to relieve us from an odium that has been denounced by the courts; that has been denounced by Congress; that is a reproach to this great Capital City of the Nation; and that we must get relief from in some way.

Mr. President, I have looked into this matter with great care; I have conferred with members of this commission, who are very able and very humane men, and I am fully satisfied that the scheme which they have worked out is one that will give us the desired relief, and that it will not be, as upon the face of it it might seem to be, a proposition that will involve an expenditure of a very large sum of money. On the contrary, I think as a matter of economy that no scheme could possibly be proposed that would be as economical as the scheme involved in the legislation which is proposed in this bill.

I shall be glad to answer any question that may be asked in so far as my information will enable me. I do hope, in the interest of common humanity, in the interest of good administration, in the interest of the poor unfortunates who are committed to our care, that the proposed legislation will be allowed to remain in the bill.

Mr. CLAY. Mr. President, I believe if Senators had read carefully the report referred to by the Senator from New Hampshire [Mr. GALLINGER] there would not be a dissenting vote to the adoption of this amendment. The report is rather lengthy, but I am going to ask that the most important part of it be inserted in the RECORD. It shows a most deplorable condition in this city in regard to prisoners. It shows that while the jail was constructed for the purpose of accommodating 300 prisoners, at different times as many as 600 or 700 prisoners have been confined there.

The Senator said the report showed that as many as two prisoners had been put in one cell. I find instances referred to

in the report where as many as three were confined in one cell. Such a condition can not be defended from any standpoint.

It should be a rule, so far as national affairs and state affairs are concerned, when men are convicted of crime and sentenced for a certain term of servitude not to confine them in cells. They ought to be put to work so as to assist in earning money to pay the expenses of maintaining the system.

Under the system in force in this city what do we find? We find in the jail men arrested for crime and kept there before they are convicted, and after conviction they are sentenced to the same jail and placed in cells without any opportunity for exercise and without any of the conveniences of life. It is a most deplorable condition.

Now, turn to the workhouse. While it is denominated a "workhouse," it is badly crowded, and most of the inmates are kept in confinement instead of being at work.

The commission appointed to make this investigation was beyond question a very intelligent body of men. They have gone thoroughly into this subject. They insist that prisoners—boys and women—sentenced for as much as six months, or where there are mitigating circumstances, shall be sent to the workhouse, where they can be kept employed and where they will probably earn the necessary amount to pay the expenses of the administration of the institution. The commission also insists that where prisoners are sentenced for as much as one year, instead of keeping them in a little cell five by nine, two and three to a cell, locked up there for a whole year, without any exercise, without earning one cent, and with conditions that are almost unbearable, that a change should be made; that farms should be purchased near the city, improvements made thereon, and these people put to work.

Take a boy or a young man, put him in this jail, and keep him there for twelve months, with the surroundings found there, and there is no hope for his reformation when he comes out of prison. There are many who, notwithstanding the fact that they have transgressed, notwithstanding the fact that they have gone wrong, if given an opportunity to reform and do better, would doubtless do so.

I do not believe there ought to be the slightest opposition to the adoption of this amendment. In this connection I ask that the matter beginning on page 6 of the report, which I have marked, under the heading "How the jail is filled, and why," from the bottom of page 6 down to the close of page 28, be printed in the RECORD. It recites the conditions existing in the jail and the workhouse, and to my mind makes an unanswerable argument in favor of the establishment of the new system.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

HOW THE JAIL IS FILLED, AND WHY.

As the police court is without authority to sentence to more than a year's imprisonment, and as no person can be sent to a penitentiary unless his sentence exceeds one year, that court can not sentence its prisoners to the penitentiary, but must sentence them either to the workhouse or the jail. Between the workhouse and the jail it has, as the statute now reads, only this strange choice: If the sentence is six months or less, it may be to either place; if it is more than six months, it must be to the jail. (D. C. Code, 934.) The consequence is that great numbers have been sentenced by the police court to the jail. Although that court is prohibited from sentencing for a longer period than one year, even where there are "cumulative" sentences against the same person, yet it has happened not infrequently that there have been in that court against the same person, for different offenses, several sentences, which have been held not to be "cumulative" in a legal sense, resulting in the prisoner being confined in the jail for eighteen months or more. When we shall see the condition of prisoners in the jail, the evil of this practice will be more apparent. Most of those sentenced by the police court have been found guilty of small larcenies, or disorderly conduct sometimes involving assaults of a minor character, of vagrancy, and the like. Such offenders do not always object to a steady abode, with warmth and shelter and plenty of food, and especially with nothing to do, even though the place be called a jail, and do not hesitate to commit some offense that will secure them such winter quarters. At the writing of this report there are confined in the jail substantially 600 persons. Of these the number awaiting trial or awaiting sentence or awaiting the result of their appeal from the sentence of the trial court is a few over 100. All the others, nearly 500, are serving sentence.

CONDITIONS AT THE JAIL.

The jail was originally intended to accommodate 300. It was completed and first occupied in 1876, and cost something over half a million dollars ($557,324.60). In 1898 48 cells were added at a cost of $12,000. Most of the cells are, in size, 5 by 8 by 9½ feet. They were made to be occupied by 1 person only. They are being used for 2 or 3. The number confined in the jail has increased by 37 per cent during the past five years. Owing to this straitened condition of things, it has not been possible to rigidly separate the convicted from those who are only accused, and in the woman's ward no separation whatever has been possible. It is quite out of the question to keep the first offenders or even those who are innocent away from those who have become settled in their criminal habits. The wardens have done their best with the means at their command, but the obstacles are insurmountable without the aid of legislation. In the cells there is no running water; there are nowhere any water-closets for the prisoners, but in each cell is a bucket which must be used instead. These buckets are emptied twice a day, and disinfectants are freely used to counteract odors. There is no dining room for the prisoners. They are fed out of tin cans thrust through the grating of the doors. In these cells they are obliged to stay all the time, day and night, except for a half hour each day when they are marched through the inside corridor. There is no jail yard, and they never go outside of the jail walls. They pass their time in absolute idleness—all of them except the very few who are employed in preparing and serving food to their fellow-inmates or in a little routine work.

COMMENT.

The evils of such a state of things are too obvious to call for or even to justify extended comment. That men and women should be sent to these narrow and crowded cells, the innocent with the guilty, the first offender with the hardened criminal, in one promiscuous assembly, to corrupt and be corrupted by each other, the lazy to be humored and fostered in their laziness, the industrious to be deprived of every form of employment, to be fed like beasts and maintained at the public charge, not only with no prospect of improvement in their condition, but with the moral certainty that they will come out far worse than they went in, is a fact that has become a stench in the nostrils of the whole community and ought to be felt as a shame and disgrace to the whole Nation, whose representatives are responsible for its existence.

CONGRESS RESPONSIBLE.

The attention of Congress has been called repeatedly to the overcrowded and defective condition of the jail. In 1903 the Attorney-General, in his annual report to Congress, informed them as follows:

"The jail is old, without modern improvements, and of insufficient capacity for the present needs. Something should be done at once toward remedying the present defects in construction, increasing its capacity, and providing a suitable dining hall, so that the present system of feeding the prisoners can be done away with."

These recommendations have been repeated in each annual report up to and including the one for 1907, and in his current report the following paragraph appears:

"The attention of the department was called recently to the condition of the jail in the District of Columbia, which had become so crowded by reason of the large number of prisoners confined there as to render it inappropriate as a place of confinement and to endanger the health, discipline, and safe-keeping of its inmates. Under the authority conferred upon me by law, I directed the removal of a large number of prisoners to the jail at Fort Smith, Ark., which had become nearly empty by reason of the admission of Oklahoma to statehood. This measure temporarily relieved the congestion, but the relief has been temporary only, and conditions have again become very unsatisfactory in the District by reason of the inadequate provision for the detention of criminals. I respectfully urge upon the Congress the necessity of prompt and effective action in dealing with this situation. If it be deemed advisable to await the report of the commission recently appointed to consider the subject at large, I recommend that provision be made for the temporary custody of prisoners now confined in the jail in such places of provisional detention as can be secured for this purpose. Such action will undoubtedly be attended by considerable expense, but the case is urgent, and grave consequences may result from any undue delay in dealing with it."

The condition of things at the jail has been so notorious and revolting that it has been frequently commented upon and discussed in the newspapers, both in news columns and in editorials, and the subject has been made the theme of public addresses at important gatherings on several occasions. In 1900 a committee representing the board of trade, after investigating the jail and the workhouse, entered its protest against the continued use of these institutions and recommended their removal to some other location. (Exhibit A.) In the Senate of the United States on April 11, 1900, and again on February 5, 1901, the question was considered in connection with the appropriation bill for the District. In the House of Representatives it was considered and discussed on June 4, 1900. (Exhibits C, D, and E.) Again, in the United States Senate on February 10, 1908, a report was presented by Senator GALLINGER in behalf of the East Washington Citizens' Association urging the removal of these institutions. The report is included in Document No. 234. (Exhibit B.) Finally, you yourself, Mr. President, in more than one message, have urged upon Congress their duty to make this capital city a pattern for all the cities of the land, by putting forth their undoubted and exclusive legislative power in the creation of pure and wholesome conditions, the removal of foul and vice-breeding houses and alleys, the substitution therefor of decent habitations, the laying out of parks for the poor in sections where they have their miserable dwellings, and remodeling our civic institutions, penal and correctional, to meet the demands of the public conscience and the spirit of the age.

CONDITIONS AT THE WORKHOUSE.

At the workhouse the physical conditions are somewhat better than at the jail. Since 1900 Congress has appropriated for this institution $260,000, of which $142,000 was expended in the construction of two modern wings, separated from each other but so related that they may form parts of one complete building if it should be decided to build a permanent workhouse for the District at that point. These two wings contain 334 cells, and in them only 1 prisoner is confined in 1 cell. In the old wings, however, the condition is still crowded and 2 or more prisoners are confined in the same cell. Taken as a whole, the workhouse, like the jail, is crowded far beyond its normal capacity. There has been a large increase in the number of inmates. The average for the five months of the present fiscal year is higher by 125 than for the corresponding period of last year. Even at the workhouse no regular system of industry is carried on. Some of the prisoners are sent about the city to be employed in gangs upon the streets, and may be seen almost any day as they are driven to or from their work, in stripes and under guard. Others are engaged in menial service about the institution, but with the present system it has not been possible to give adequate employment to the great majority of those confined. The present number of inmates at the workhouse is 400. On some days it has been 600.

WHAT SHALL BE DONE?

It is perfectly obvious that something must be done. It is not a question of whether, but of what. If we are to continue the present plan and system, it is absolutely necessary to greatly enlarge the present jail and the present workhouse, and to invest large sums of money for that purpose.

TWO WAYS POSSIBLE.

Apparently there are two ways open. One is to temporize, to adhere to the present plan, making such changes and enlargements as are absolutely required, extending the present jail, erecting a new wing to

the workhouse, but attempting no advance upon the present penal system. Under this plan we should continue to use the jail as we are now using it; we should merely enlarge the present workhouse so as to accommodate a larger number. If it should be attempted to make provision for the employment or outdoor exercise of the jail and workhouse prisoners upon the tract where the buildings are now located, it would require the building of a wall to inclose those institutions and would end in establishing a permanent penal colony in what will soon be, if it is not already, the heart of the city, within a mile or two of the Capitol and in the direct line of the extension of one of the finest avenues of the city, and will thus end in placing a permanent barrier between the natural growth of the city and a great and attractive territory on both sides of the Anacostia River. The other way would be to seize the opportunity now presented for putting the penal and correctional system of the District upon a proper and permanent basis, adopting a plan that can be followed and filled in as years go by, no matter how the city may grow or the needs of the system increase.

The first plan requires an investment of large amounts in property which ought not to be permanently devoted to its present uses. The jail can not permanently be used as a place where men are to serve sentences, because such men should be put to work, and it is not and can not be made a proper institution for that class of prisoners. Moreover, the adoption of the first plan will postpone the adoption of improved methods of dealing with criminal problems, and will tie us for many years to come to an antiquated and unreasonable system. The more we invest upon the present plan, the more difficult it becomes to change it, and thereby we are putting further and further off the true solution of our problems. The adoption of the second plan means the abandonment of the present jail as a place where prisoners shall be sent to serve their sentences, but permits the continued use of the building, with necessary interior changes, as a house of detention simply. It means the removal of the workhouse from its present site and permits the removal of the other buildings, now upon the reservation, which ought not to be permanently located in that vicinity. It seems to us that this is a favorable time to look the whole situation in the face and lay our plans broadly and wisely for the future. To do this requires us to consider carefully some of the questions that confront all inquirers who take up the subject of the relations of organized society to its criminal classes.

THE CRIMINAL PROBLEM A PERMANENT ONE.

Humiliating as it may be to confess it, the confession must be made that society is still in a state of siege. The property classes, and they comprise the vast majority of our population, live in a state of siege. If we doubt it, we have only to notice the bars and bolts on every hand, the watchman, the policeman, everywhere. After four thousand years of social order of one sort or another, after two thousand years of Christianity, it is still the fact that those who have must maintain their possession by force or the threat of force. The mailed hand of government is over every house and shop and bank vault in the civilized world, and apparently it must be so for centuries to come. The criminal problem may be looked upon as practically permanent, and certainly we have none more important. What ought to be done to protect the law-abiding part of the community from the part that is disposed to prey upon it? That is the question. Of course the most desirable thing is to get rid of crime itself, either by transforming the lawbreaker into a law keeper and law defender, or, better still, by preventing the citizen from ever becoming a criminal at all. The possible prevention of crime is a great subject by itself. The possible reformation of the criminal is another.

THE MAIN OBJECT OF CRIMINAL LAW.

But the main purpose and object of criminal law we hold to be the welfare and protection of society itself. It is this object which underlies all sound legislation and judgments. It is this which justifies the infliction of punishments which would otherwise be cruel. It is this consideration that compels the judge to turn his eyes away from the suffering of the individual offender, and even from the greater suffering that often falls upon his family and friends, and keep his eyes fixed upon the thousands of innocent people whose safety and security demand that the consequences of lawbreaking should be painful.

THE TRUE PRINCIPLES CONCERNING THE TREATMENT OF CRIMINALS.

We do not believe in taking any attitude toward the violators of law that will lead them to look upon their offenses as trivial, to look upon themselves as victims of oppression, or upon governments as their debtor. But we do believe in taking a passionless, patient, and impartial attitude toward them, making it as easy as possible to do right, as difficult as possible to do wrong, keeping always before their eyes the hope of redeeming themselves, and convincing them in every practicable way that they are still the makers of their own destiny. We believe that some way ought to be devised to prevent the return to social life of those who have committed grave crimes and have given no indication of reform. We believe that there should be a rigid separation of those who are awaiting trial from those who have been convicted. We believe that all convicted persons who are able to work should be compelled to work. We believe that those who may be reasonably supposed to be reformable should be treated and employed with that end in view. We believe in the beneficial effects of education upon most of those who are confined in prisons. We believe that for certain criminals there should be labor long and severe. We believe that no system of dealing with the criminal classes should ever at any point lose sight of the fact that the criminal is a man. He should never be needlessly degraded, insulted, or abused. We believe that a vital and momentous point of time is when the prisoner is released and turned back upon the world, and that the law should employ all possible agencies to guard and assist him in making a new start. We believe that many who come up for sentence may be wisely put in the watchful care of judicious officers and given one more chance to choose between a life of decency and a life of crime. Believing this, we are led to accept the following practical propositions as necessarily resulting from these convictions, so far at least as the District of Columbia is concerned:

WHAT WE RECOMMEND.

There should be—

1. A jail, to be used only as a house of detention, never as a place of confinement for those under sentence.
2. A probation system for those cases which may be safely dealt with without sending the offender to any place of confinement.
3. A reformatory for all who must be sentenced to confinement and who nevertheless are hopeful cases.
4. A workhouse for those who must be confined and who are not proper subjects for reformatory treatment, and yet whose offenses are not such as to require that they be sent to a penitentiary.
5. Confinement in the federal prison or penitentiary for those worst offenders who are not proper subjects for either the reformatory or the workhouse.
6. A carefully guarded parole law for prisoners in these various institutions who may be safely released upon conditions.

To consider these propositions more fully:

1. A HOUSE OF DETENTION.

The present jail may be used for this purpose, and with some changes in its interior would be an adequate building for a long period of time. The outer jail—that is to say, the main walls of the building—are in excellent condition. Relieved of the sentenced prisoners, it would need to accommodate at present only a few more than 100. The interior could be torn out, modern cells constructed, sanitary plumbing introduced, a common dining room provided for, and the building could thus be made a commodious and suitable house of detention for all persons awaiting trial or awaiting the final determination of their cause. It would not only be sufficient for the present, but so far as we can foresee it would be sufficient even when the city shall have grown to three times its present size.

Being used only for the confinement of accused persons, it would not be regarded as a prison, and its presence would be far less objectionable than it is now. It would be more convenient if it were still nearer the courts, and it certainly ought not to be farther away. In most cities the house of detention is now built adjoining or as a part of the courthouse. In our opinion that is the correct method, and if a new courthouse should ever be erected here that plan might be adopted. There is no reason why such a building should not be architecturally attractive. In many places it is. The present building is not, as the workhouse is, a barrier to the extension of Massachusetts avenue. It stands at one side of that thoroughfare and at a considerable distance from it.

2. A PROBATION SYSTEM.

We are woefully and shamefully in need of this. Except in the juvenile court, we have nothing of the sort. Some of our judges have entertained such views of the law that they have felt justified in suspending sentence in some cases after a plea of guilty or conviction by the jury, and have allowed the offender to go on his own or other recognizance. Others of our judges have entertained such views of the law that they have not felt themselves empowered to do this. But even if we accept the view that courts have authority indefinitely to suspend sentences, notwithstanding the express mandate of the legislature that upon conviction a prescribed punishment shall follow, we are still in this position—that there is no officer in whose care the released person can be placed; there is no system for following up his subsequent career and informing the court whether he should be left at liberty or brought back and sent to prison; and there is no system by which he can be warned, guided, encouraged, and assisted to become a good citizen instead of relapsing into crime. Our study of the working of probation systems in other jurisdictions, and, so far as made use of, in our own, our reading upon the subject, and the testimony we have received from experts in this branch of penology has left us without a doubt that we should have such a system here. We accompany our report with a draft of a statute upon this subject which we believe would meet the needs of the community, and we earnestly recommend its enactment. (Exhibt F.)

THE NEEDS OF THE DISTRICT PECULIAR.

The District of Columbia ought not to be put off in this matter by reason of any consideration Congress may be giving to the subject of a general probation law for all federal courts. Our situation is peculiar. The offenses dealt with in our courts are not merely such offenses as are cognizable in other federal courts, but include crimes of every character. In this respect, although all offenses committed in the District are offenses against the United States (since there is no other sovereignty), yet they are, almost all, exactly such offenses as when committed in a State are offenses against the State in distinction from offenses against the United States. Indeed the number of strictly federal prisoners from the District of Columbia is less than 30 out of a total of more than 1,400. Practically, for the purpose of dealing with this problem, we are to be regarded as a State by ourselves. We should have a system adapted to our own special needs.

THE PROBATION SYSTEM OUTLINED.

When sentence is to be pronounced and it appears to the court that the case may be one calling for the use of the probation system, there should be an officer to whom the matter may be referred by the court and by whom the necessary information may be furnished. Such an officer would investigate the circumstances, if they were not fully brought out at the trial (and the most frequent use of the system will be in cases where there has been a plea of guilty and no trial at all), the previous record and conduct of the person to be sentenced, and all other facts which ought to be considered in determining the question. That question should be whether there is a reasonable probability that, if he should be given another chance under the restraints and encouragement of the probation system, he would never again break the law, but would ally himself permanently with the forces of order instead of becoming their enemy. If the court is convinced that such is the case, there should be at hand a wise and judicious officer in whose watchcare the offender should be placed, under prudent restrictions and conditions especially adapted to his case—an officer who will keep in touch with his charge and personify to his mind the kindness and also the severity of the law, an officer to whom reports must be frequently made by the subject, and who will keep the court informed of the subsequent course of the probationer. All this requires careful provisions by statute and a well planned, but not too complex, system of procedure.

The question whether the probationer has broken the conditions of his release or should, on the other hand, be finally discharged from probation, must ultimately be decided by the court; but the court may be greatly aided and enlightened by the reports and recommendations of such an officer. The officer should be in closest touch with the court and in all respects subordinate to it. In our opinion, he should be appointed by it, and be subject to discharge whenever the courts shall feel a want of confidence justifying such action. While some of such officers ought to devote their whole time to the work and be paid a proper salary, provision ought to be made for the employment of unpaid volunteer assistants who will devote a portion of their time, or, take charge of given cases under the supervision of the chief officer. It is hoped and believed that there will be found not a few tactful and philanthropic citizens, men and women, who will be willing to give a portion of their time to so humane and practical a service. It is easy to see that there would be certain advantages in a common board of probation, having under its observation and subject to its regulating control all probation cases in the District. This we have

not overlooked. But we believe that on the whole the advantage of having the probation work of each court done under the supervision of, and in fulfillment of the conditions imposed by, the court which is responsible for the case outweigh these advantages, and that each court should appoint and control its own probation officers. The general plan of probation work should, however, be laid down by the statute, leaving to the court only the duty and province of applying the principles adopted to the individual case before it.

VIEWS OF EXPERTS IN PENOLOGY.

The probation theory does not tend to minimize the offense. It rather magnifies it by restricting the liberty of the offender, and perhaps for a longer time than if he were confined in prison. It takes away many of his rights. The court prescribes what he may do, where he may go, with whom he may associate, and how he shall conduct himself. It requires him to shun evil companions, to abstain from drink, to keep away from the saloon, to work steadily for the support of those who are dependent upon him. One of the chief advantages is that it keeps the probationer in right relation to his family; if imprisoned he is for a time relieved of the obligation to support them and discovers perhaps that they can get along without him. Probation lays its hand upon him and compels him to support them. That is a condition of his liberty. In this way it tends to reformation without actual imprisonment.

But the system of probation ought not to be considered by itself. It must be considered in contrast with its alternative, imprisonment. Even in institutions where care is taken to separate the beginner in crime from the hardened offender it is not possible entirely to prevent contact. Some contamination is inevitable. Even at its best imprisonment is better calculated to develop than to arrest evil tendencies. The man who has been in prison has at least two terrible disadvantages. He comes out with the stigma of the prison, which hinders him from getting employment and heavily handicaps him in his struggle for a living. This stigma attaches to his innocent wife and children as well, who often suffer more than the guilty husband and father. The second is that prison acquaintances constitute an obstacle to a new and respected life. In prison he has come in contact with men who have no desire to reform and who are willing to drag others down to their own level. He can not always avoid them when he meets them out of prison. If they can not persuade him to go with them into new crime they may keep him in constant fear that they will bring to light the past he is trying to live down. From both of these dreadful disadvantages he may be saved by the probation system. It is worth noting that in the competition between imprisonment and probation, probation has been subjected to tests which have never been applied to imprisonment. It has been demanded that probation should prove that it reforms, but it has never been required of imprisonment that it should show that it has reformed. (See Report of Committee on Probation, National Prison Association, Albany, 1906, p. 85.)

EXPENSE.

Such a system need not be expensive even in the first instance, and such expense as may necessarily attend it will most certainly be overbalanced even in dollars and cents by the saving to the public which will result from the continuance of the probationers in industrial occupation instead of being supported in public institutions and by the permanent transfer of some of them from the criminal to the law-abiding class. The results already achieved by the system as it now obtains in our own juvenile court have demonstrated the correctness of this position.

We do not mean to put our recommendation of a probation system wholly or necessarily upon a mere monetary basis. Neither do we put it on the ground of a humane and philanthropic duty on the part of government toward its disobedient members. We believe there is a safer and an impregnable basis to be found in the prime duty of society to provide for its own welfare and protection. We look upon such a system as a practical method of recruiting the ranks of law-keepers from the number of those who would otherwise join the ranks of the enemies of government and order. No reasonable pains or expense should be spared to secure so desirable a result. And when we find, as we do, that the system, so far from proving a financial burden upon the community, actually pays for itself several times over even in the money point of view, we feel that the proposition ought to commend itself to conservative minds of every cast.

3. A REFORMATORY.

Next in order, and not less important, is the need of a reformatory. At present we have none. The National Training School for Boys and the Reform School for Girls, as we have already shown, are restricted to children not over 17 years of age.

THE CLASS TO BE SENT THERE.

What we need is an institution to which the courts can send such offenders as can not be safely released upon probation, who must for one reason or another be confined for a time at least, and yet who are susceptible to good influences, capable of being trained to some useful form of labor, of being improved in body and mind and made more fit to meet the temptations of life—who have not abandoned themselves to criminal courses nor come to look upon themselves as at serious odds with society, but who will almost certainly turn out habitual criminals if they are not immediately turned from the path they have entered. It is not so much a question what is the name of the crime they have committed (barring a few of the gravest) as it is a question of how they came to commit it and under what circumstances it was done, and what the general disposition and character of the offender has been. Most of those who would be eligible to such an institution are between the ages of 17 and 30 years. We believe that the court before whom the case is tried will be able to make a generally wise decision upon the question whether the culprit is a hopeful subject for such treatment. It is believed that if there were such an institution now established in the District there are between 500 and 600 prisoners, now confined in jail, workhouse, or penitentiary, who would be receiving the benefit of its course of discipline and education.

SHOULD BE ISOLATED FROM OTHER INSTITUTIONS.

Our visits to similar institutions in various States have convinced us that a reformatory for our District ought to be erected; that it should be located at a safe distance from all public institutions and, above all, widely removed from any other penal institution. One of the best informed and most energetic officers of such an institution said to us that if the State should erect a workhouse within sight of his reformatory he would resign at once, so strongly did he insist upon the necessity of absolute separation—not only separation in point of fact, but likewise in point of mental association. The object is to lead the inmate of the reformatory to regard himself as not yet sunk to the level of the criminal classes, to preserve his self-respect so as to enable him to go out at the end of his term feeling that he has not been branded as a felon.

AT LEAST 1,000 ACRES OF UNRECLAIMED LAND SHOULD BE SECURED AS THE SITE.

Another thing which we have been led to conclude from our visitations is that the reformatory should be erected upon a large tract of land belonging to the Government. It should be a farm of at least a thousand acres practically undeveloped. Such a tract could be secured by purchase, possibly in the District of Columbia; if not, then in the State of Maryland or the State of Virginia. The clearing and cultivation of the land itself, with the construction of necessary buildings, would furnish occupation for hundreds of those sent there.

SHOPS AND INDUSTRIES.

There should be shops as well, where the men could be taught to use their hands in trades of skill and engage in the manufacture of useful articles. Such articles could be used by the District government in its various departments and the whole product thus consumed. Nearly everywhere we went we found that this practice prevailed. In the various correctional institutions articles are manufactured in great variety and in large quantities, and are disposed of and used by the municipal and state departments.

EDUCATION.

There should be classes, too, where at some hours of each day the young men should be taught the rudimentary branches and hear lectures on practical subjects. In some of the best reformatories most of the teachers are found among the prisoners themselves. Those who are competent are selected and employed for this purpose and take a natural pride in the position.

LAWS REGULATING TERM.

With such a place to send to, there should be carefully framed laws regulating the length of the term and making it to correspond with the progress of the sentenced person. He should be able to shorten his sentence by faithful work and obedient behavior. It should be possible for him to work out his own salvation, if not without fear and trembling, yet without a doubt that honesty, industry, and a willing disposition would receive their reward. The one thing important above all others is that he should feel and know that he is being dealt with according to just and settled principles, so that the time of his release is measurably in his own hands. In these reformatories the inmate soon learns that he is hedged round by a well-nigh inflexible system; when he goes wrong, it is charged against him; when he does right, he receives credit. He comes to look upon it as impersonal and its results as attributable to his own folly or good sense. Such a lesson is in itself invaluable. When a prisoner incurs a penalty, he is reminded that it is his own doing; when he secures a benefit, he is not permitted to thank any officer as for a favor, but is reminded that he has earned it and it is his. The system thus cultivates and fosters a manly spirit of independence.

Provision should be made at the reformatory for the care and custody of female prisoners, of whom there would be, in all probability, 75 or 100. They could be employed in kitchen and laundry work and should be trained to useful service in various lines.

4. A WORKHOUSE.

CLASS TO BE SENT THERE.

There is a large class of offenders whose crimes are not of that magnitude to demand a sentence in the penitentiary, and yet who are not proper subjects for reformatory treatment. They may be too old, they may have offended too often, or they may be of such a character that it would be useless to send them to a reformatory, and, moreover, to send them there might be to undo the work which is there being done upon hopeful cases. At the same time they may not have deserved a long-term sentence, or for other reasons it may not be best that they should be sent to a penitentiary, either state or federal. Among this class will be found many who have committed assaults, many vagrants, drunkards, deserters of their families, abusers of their wives, and the like. Usually these are men to whom hard work is the most dreaded form of punishment. They should be put to hard labor at long hours. Even among these some cases may be found that will deserve attention under a parole system, but most of them will need to be kept to, or near to, the end of their terms. For such men as these work in the open air, upon the farm or in construction of buildings or in redeeming waste places, is admirably fitted.

A LARGE TRACT OF UNDEVELOPED LAND FOR THE WORKHOUSE.

For the workhouse, then, as for the reformatory, we recommend the purchase of a large tract of undeveloped farm land, which may be either within the District or in one of the adjoining States, as may be found most advisable—a farm of not less than a thousand acres, to which the institution now known as the "workhouse" should be removed. Land adapted to the purpose may doubtless be obtained at a very low price per acre.

EXPERIENCE OF OTHER STATES.

In other States we have seen prisoners of this class successfully employed in such labor as we have just mentioned, and we have been deeply impressed by the sound judgment and clear foresight of those who have thus planned and executed. The farm at Bridgewater, Mass., is one instance. The farm of 2,000 acres near Cleveland, Ohio, is another.

HOW THE PRISONERS SHOULD BE TREATED.

That such men are not fit subjects for a reformatory does not mean that they are not to be treated with any reference to improvement or that they are not to be released the sooner by reason of exemplary behavior. Still less does it mean that they have forfeited their right to be treated as men and to receive every encouragement of which they prove themselves worthy. Least of all does it mean that they should be unnecessarily degraded by marks or badges of shame or compelled to look upon themselves as beyond hope. They should not be put in stripes. On the contrary, we believe in stimulating them to self-respect in all practical ways, and especially by setting apart a substantial portion of their earnings to be paid to their families, or for want thereof to be paid to them on their release; and we believe that their sentences should be somewhat elastic and responsive to their behavior and indications of a change in disposition. For such of them as are illiterate we would have some instruction, and for such as appear capable of mastering a useful trade implying some skill in handicraft, we would have employment adapted to that end.

From estimates submitted by the company which installed the cells at the present workhouse we find that those cells could be taken out,

transported to a new workhouse, and there installed at a cost of about $35,000. A large part of the labor could be done by the prisoners themselves.

5. CONFINEMENT IN THE FEDERAL PRISON OR PENITENTIARY.

In the present situation of things we do not feel it our duty to recommend the establishment of a penitentiary especially for the District of Columbia.

CLASS TO BE SENT THERE.

There is undoubtedly a large class of prisoners who must be sent to some such institution. The offenses which they have committed are of so grave a character, or they themselves have repeated their offenses so often, or they have become so fixed in their evil tendencies, that long terms of imprisonment are necessary, and neither a reformatory nor a workhouse is a proper place for their confinement.

We have at present some 400 prisoners serving sentence in state penitentiaries and in the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans. At Leavenworth there are at this writing about 75 prisoners from the District of Columbia; at Atlanta, 76; and the others are distributed between Moundsville, W. Va., and Trenton, N. J., the two latter being state institutions, which are under contract with the Department of Justice. No doubt there are many of these who would have been sent to a reformatory if there had been an institution of that sort when their cases were disposed of. One member of this commission is positive, from his own experience while presiding in the criminal court in this District, that such is the fact. In our opinion, if the plan for a penal and correctional system which we are here outlining should be adopted—that is to say, if we should have a jail used as a place of detention only, a reformatory, and a workhouse, such as we have recommended—the number of those to be confined in penitentiaries would be reduced by nearly, if not quite, one-half. It will be readily seen that this is a conservative estimate when it is recollected that all sentences of imprisonment which are longer than a year must, as the law now stands, be served in the penitentiary. There are thus many offenses which at present call for sentences in the penitentiary which would not call for sentences in such an institution if the plan we recommend should be adopted. But it would still remain true, as we have said above, that there would be a considerable class requiring imprisonment in a penitentiary. It might amount in number to 200, or something over, at the present time, and probably would amount to more as the population of the District should increase.

SHOULD THERE BE A PENITENTIARY ESPECIALLY FOR THE DISTRICT?

The practical question is whether for this number a separate penitentiary ought to be established in this vicinity. Upon principle, we believe that there should be local institutions to answer our local needs. We believe that as far as possible there should be a separation between those institutions which are expected to answer local needs and those which are national in their aim and scope, and we believe that local institutions ought to be under the direction and control of district officers.

HOW THE LINE OF JURISDICTION SHOULD BE DRAWN BETWEEN THE DISTRICT AND THE FEDERAL AUTHORITY.

Believing thus, it is our opinion that the jail, the workhouse, and the reformatory, if it should be established, should be under the exclusive direction and control of district authorities. The fact that the United States Government pays one-half of the taxes assessed upon property in the District does not, in our opinion, affect this question. That only means that the Federal Government is a large property holder within the District, but it affords no better ground for saying that the Federal Government should control the institutions of the District than would the fact that a multimillionaire owns more than half of the property in a city or a county justify the turning over to such an individual of the direction and control of the public affairs of the city or the county. The question whether a given institution shall be under the direction of the district authority or of the national authority should be answered, as it appears to us, solely with reference to the purpose and character of the institution itself. As we have already shown, there are less than 30 strictly federal prisoners out of more than 1,400 prisoners of the District of Columbia. All the others have committed crimes which properly can only be considered as local offenses. All these prisoners are supported at the expense of the District of Columbia, for the taxes paid upon government property are a part of the funds of the District in the same sense and upon the same principle as are the taxes paid upon other property in the District.

The advantages that would follow from the adoption of the rule which we are now advocating would be many. An illustration lies close at hand. At present the jail is under the practical direction and control of the Attorney-General, while the workhouse is under that of the District. Upon the workhouse grounds are buildings which at times might be used for the accommodation of inmates of the jail if the two institutions were under the same head. It does seem unreasonable that such a state of things should exist, for while it is possible in the course of time to bring about arrangements between the local authorities and the federal, such arrangements do take time, and while they are being waited for great inconvenience and loss may result. We are therefore of the opinion that the penitentiary prisoners, as well as the others, ought to be under the direction and control of district authority.

But there is another fact to be considered, namely, that in Leavenworth and Atlanta the United States Government has in process of construction two magnificent penal institutions. In them it is investing millions of dollars. For a long time to come they will be able to accommodate not only all strictly federal prisoners from the whole United States, but all our local prisoners who ought to be confined in a penitentiary.

OUR RECOMMENDATION.

In view of this fact, we believe that good judgment and sound economy require that for the present our penitentiary prisoners should be sent to these institutions, under proper arrangements to be made between the District authorities and the Department of Justice. The fact that our prisoners are serving their terms in these places ought not, however, to prevent the application to their cases of laws to be passed by Congress providing for their release upon parole if a parole system shall be adopted for our own prisoners in general.

6. A PAROLE LAW.

One crying evil of the present system of dealing with our prisoners is that when they are released from confinement there is little to prevent their going back to a life of crime. It seems absurd that year after year the Government should be turning back upon society its avowed and inveterate enemies, yet there is no doubt that this is the case.

THE PROFESSIONAL CRIMINAL.

Men who have spent their lives in crime, who have deliberately chosen to lead such a life, are released and leave the prison gates with the declared intention of continuing their warfare against the State. One such prisoner when appealed to by the warden to change his course replied that he had carefully calculated the chances and had reached the conclusion that he could not afford to give up the trade of crime. "I know," he said, "that I must pass a considerable part of my life in prison, but I shall be able to live upon the fruits of my enterprise while I am out of prison enough better to make up for the time I am confined. On the average I shall have a better time." It ought to be a crime in itself to be a professional criminal. There ought to be a statute defining the offense. It occurs to us that the definition should be "A professional criminal is one who has deliberately chosen to lead a life of crime and who has been more than once convicted of a felony." A person convicted of being a professional criminal ought to be sentenced to imprisonment for life. The question whether he is a professional criminal ought to be determined by the jury under a proper charge in the indictment. It will be necessary to distinguish between professional criminals and habitual criminals, for there are men and women who under the stress of temptation may fall again and again, and yet again and again repent. Their offenses are usually petty and they have not that express determination to get their living by criminal means, which should be held to be a distinguishing characteristic of the professional criminal.

ADVANTAGE TO THE GOVERNMENT FROM A PAROLE SYSTEM.

No argument is necessary to show that if the Government could in some way retain its hold upon its prisoners after they are released from confinement it would be a distinct advantage to the public. Everyone knows that when a prisoner comes back to the community he is looked upon with suspicion and often finds it all but impossible to win back the confidence of his fellows. Often it is impossible for him to obtain employment, and necessity itself may tempt, if it does not drive him to his old course. Something has been done here and there by associations formed to assist and relieve discharged prisoners, but it would be much better and more effectual if it could be supervised by the Government itself and as a part of the prison discipline. When a man has served out his sentence to the limit and is entitled to his discharge he goes out a free man, but if he is released before the end of his term, upon his own application, under a parole, with conditions which have been imposed to prevent his falling into evil ways, the situation is entirely different. Then he goes out under the supervision of authority, his whereabouts are known, his subsequent course is followed, he is helped to obtain employment, and if he breaks the conditions of his parole he is brought back to prison. We think that in the case of the parole system, just as in the case of the probation system, the chief argument to be considered in its favor is not the chance that now and then a criminal may be reformed, and thereby a philanthropic duty be performed by the State, but that the State will by this means protect itself against the depredations of those who have a tendency toward crime and will be able to strengthen the forces of order at the expense of the forces that oppose it.

A PAROLE BOARD.

Somewhere there should be lodged the authority to decide whether a prisoner who has served a substantial portion of his term may be released upon parole, not merely with advantage to himself, but with advantage to the State. This authority should be at liberty to impose such restrictions and conditions upon the freedom and occupation of the paroled prisoner and require from him such reports and proofs of lawful conduct as reason, prudence, and justice may dictate in each case. Such authority should, in our opinion, be vested not in the courts but in the executive department. It is administrative rather than judicial work. It belongs in one view to the discipline of the prison, for a paroled person is still restrained of his liberty.

PRISONERS' EARNINGS—A FUND FOR THEIR FAMILIES OR THEMSELVES.

Allusion has heretofore been made to the wisdom and justice of setting apart for the benefit of the prisoner's family, or for the benefit of the prisoner himself upon his release, a substantial part of his earnings. Such a fund as that could evidently be better managed in connection with a parole system than without it. It has sometimes happened, where this plan of paying prisoners a portion of their earnings upon release has been adopted, that large amounts have been paid to the departing convict, who has squandered it all in a single night's debauch. That might be prevented even without a parole system by providing that the fund so reserved should not be paid to the prisoner all at once, but in periodical installments. But under the parole system it would be much easier and simpler to control the disposition of such a fund. In some institutions there is reserved for the prisoner only the miserable pittance of 3½ cents a day, and out of the small sum accumulated in this manner he must pay for the ticket and suit of clothes which are furnished him when he leaves. United States prisoners are provided with one plain suit of clothes, with $5 in money, and with a ticket to their home or the place of conviction. (R. S. Supp., vol. 1, p. 89.) In other institutions the allowance is so liberal that at the end of a long term men have gone out with $600 or $700 of their own. It seems to us it would be at once prudent and practicable to fix an arbitrary amount as the fair price of the prisoner's day's work, and then to charge it against the expense of his maintenance, including therein a round percentage, say 20 per cent, of the total wage as interest upon the capital invested in the plant. Let this fund accumulate during the prisoner's confinement, unless it shall be paid to his family in necessity at home, and be turned over to him in installments after his release.

MARYLAND.

In the Maryland Penitentiary, in 1906 and 1907, prisoners earned for themselves $41,682.62, a single prisoner earning in the course of a year over $600. In 1906, $18,000 was paid out of the earnings of prisoners for the support of their families and $12,000 was paid to the prisoners themselves upon their discharge. The plan also exists in other institutions, whose authorities mention it with favor.

THE PAROLE SYSTEM HAS THE SUPPORT OF THOSE BEST QUALIFIED TO JUDGE.

We have found that the parole law has won the favor and support of prison officials generally. The warden of the United States penitentiary at Leavenworth and the warden of the United States penitentiary at Atlanta have both put themselves on record as believing in the principle and hoping for its adoption. In none of the States where it has been adopted has it been made applicable to murder in

the first or second degree. Such cases may best be left to the pardoning power inherent in the executive.

It may safely be said that the beneficent character of parole statutes has been established, that opinions in their favor are well-nigh unanimous, and that the States which have tried them longest are their foremost advocates. The committee of the American Bar Association declares that its general investigation is amply sufficient to justify it in reporting that the parole laws in operation are working beneficially and that the committee "deems their wise execution and extension to be in the interests of sound public policy and the prisoner."

A PAROLE BOARD—HOW IT SHOULD BE CONSTITUTED.

The question to be determined by the authority vested with the power to parole is not a question which can be determined upon any mere system of marks or bookkeeping in the prison. It goes deeper than that. It concerns the disposition of the prisoner and his whole attitude toward life. The determination of such a question ought not to be left to a single official, but would more wisely be vested in a board, so constituted as to insure a conservative and yet an unprejudiced hearing. The case should be heard upon application by the prisoner seeking the parole, which application should be required to be made in a prescribed form. It should have the indorsement of the superintendent or warden of the institution where the prisoner is confined, and the test should be whether there is a reasonable probability that the interests of the public, no less than of the prisoner, would best be served by his return to the community.

The liberation of a prisoner on parole ought never to be confounded with the allowance which is made him by statute on account of his perfect deportment in prison. That allowance, called "good time," belongs to him by reason of his compliance with the rules of the institution. He may keep all those rules from purely selfish motives and yet be at heart as criminal as ever. Something more than such deportment must be required to convince a parole board that the interests of the public require his release, and yet some such board is the only tribunal which can competently deal with such a question. Certainly the court can not deal with it when it imposes the sentence. No judge, however wise and farseeing, can possibly foretell when, if ever, a point of time will be reached at which the convict may safely be set free. The most he can do is to see that a sentence is imposed which shall be roughly commensurate with the grade of the offense and serve as a proper warning to others.

ALL DEPENDS ON HOW THE LAW IS ADMINISTERED.

The success of the parole system depends largely upon how it is administered. In the States where this system has been adopted approximately 10 per cent of those serving sentence become eligible for this conditional liberation each year. It is reasonable to suppose that an equal number of District prisoners would go into this class. All prisoners on parole remain in the legal custody and control of the authorities of the institution from which they have been released until the expiration of the full term specified in their sentences. The conditions upon which they are paroled require that they shall have employment; that they shall avoid evil associations; live an orderly life and abstain from the use of intoxicating liquor as a beverage; other conditions peculiar to the individual or his case may be imposed. Supervision under these circumstances must be systematic, and requires care and intelligence on the part of the authorities having the cases in charge.

With the jail, the workhouse, and a reformatory maintained by the District under the methods hereinbefore recommended, the management and control of these institutions should be vested in a single head appointed by and responsible to the District Commissioners. This officer should have some such title as "commissioner of correction." He should be chairman of a board to be known as a "board of management and parole," consisting of himself and two other members, one of whom should be one of the District Commissioners, and the other a prominent citizen of the District, the latter serving without pay. Besides passing upon cases of parole, this board should constitute an advisory council to the commissioner of correction in the management of these institutions. It would take charge of all moneys earned by prisoners while in confinement, and under rules and regulations disburse the same to the prisoners' families, and to the prisoners themselves while on parole, or even after their full terms have expired. In passing upon all applications for parole care should be taken to see that the privilege is not extended to habitual or professional criminals, even when they have earned all the marks provided for by the prison system.

IDENTIFICATION OF CRIMINALS.

This class should be completely identified and the justice of their detention fully established. To this end there should be kept and classified the measurements of all sentenced prisoners. Bureaus for this purpose are maintained in many of the States, and are carried on with success. The United States also conducts a bureau of criminal identification and exchanges records with officials of state institutions. These records consist of photographs and description cards of the anthropometric system, known as the "Bertillon system," and also what are known as "finger-print records." Since 1895, through the aid of these records, the Department of Justice has successfully identified over 1,900 criminals who have been convicted and sentenced more than once. Such a system would be invaluable in administering the parole law in the District.

When a reformatory and a new workhouse shall have been established on the lines here recommended, a parole law should be enacted in accordance with the principles above set forth and should embrace, as we believe, a system of credits to prisoners on account of their earnings.

SOME QUESTIONS NOT DISCUSSED.

There are many questions concerning the construction of buildings to be used for penal and correctional purposes and concerning the proper cells for such institutions, as well as many details of prison discipline and management, which are left unnoticed in this report, not because we have not formed opinions thereon, but because we do not wish to becloud the questions which demand immediate answer by a lengthy discussion of matters which may be settled after the first necessary steps shall have been taken.

LAND SHOULD BE PURCHASED AT ONCE AND JAIL PRISONERS PUT TO WORK IN THE SPRING.

To the end that the jail may be immediately relieved of the maintenance of prisoners in idleness and that the inmates of the workhouse may all be employed, we recommend that an appropriation be made at the present Congress which will enable the Commissioners of the District to purchase separate tracts of land as sites for a reformatory and a new workhouse and for plans and specifications for the buildings to be erected thereon. If this plan shall be adopted, all those idle sentenced prisoners may be put to work with the opening of the coming spring. So strongly do we believe in the necessity of immediate action that we have taken the liberty of submitting herewith a draft of a bill for the purpose. (Exhibit G.)

A DETENTION HOME FOR JUVENILES.

Our attention has been called to the need of a home for the detention of children awaiting trial in the juvenile court. We submit herewith a letter from the judge of that court, the Hon. William H. De Lacy, setting forth the reasons for such a home, and without recommending any particular site therefor indorse the general plan outlined by him.

CONDITIONS PECULIAR TO THE DISTRICT OF COLUMBIA.

As we have already pointed out, almost all of the offenses to be dealt with here are such offenses as, when they are committed in the several States, are punishable under the state laws.

CRIME AND THE COLORED RACE.

A large proportion of them are committed by colored people. With substantially one-third of the population, they contribute to the various criminal institutions more than three-fourths of the whole number there confined. This fact is not referred to by way of reflecting upon the colored people, for whose condition we, as members of the white race, hold ourselves in no small measure to blame, but as a fact necessary to be considered in dealing with the questions before us. It would not be just to the colored race, however, to leave the above statement unexplained. We must take into account not only the number of crimes committed by the respective races, but the character of those crimes as well. When we consult the records of the jail for the past five years we discover several things which ought to be duly weighed by all impartial persons. We find that two-thirds of all the persons committed to the jail are charged with assaults, not including assaults with intent to kill. Of these assaults a very large proportion, in fact more than five-sixths, are committed by colored people. Of all persons committed for fornification seven-eights are colored. Of all those committed for petty larceny more than three-fourths are colored. Of those committed for larceny from the person, not amounting to robbery, nearly all are colored; that is to say, 28 out of a total of 31. On the other hand, the number committed for grand larceny is almost equally divided between the two races. Among those committed for embezzlement there are almost twice as many whites as blacks. Among those committed for obtaining property by false pretenses the whites are nearly three to one. For robbery there were committed 139 whites as against only 80 blacks. Even in murder charges the whites were 34 as against 61 blacks. The fair deduction seems to be that the crimes most common among negroes are crimes of impulse or passion or petty thieving, while those among the whites are crimes of cunning or of boldness—the more daring crimes and larger thefts. The criminal instincts of the colored people are such as belong to the childhood of a race rather than such as require planning and deliberation. And yet, strange as it may appear, out of 94 charged with vagrancy 63 were white, and out of 125 charged with being idle and disorderly 92 were white, and out of 44 charged with being habitual drunkards 34 were white. In the workhouse the proportion of blacks is considerably smaller than in the jail, being substantially 250 blacks to 150 whites.

A REFORMATORY IN ITS RELATION TO THE COLORED PEOPLE.

To those who believe that the negro is incapable of mechanical skill or ingenuity and unworthy of manual training, the fact that so large a proportion of our prisoners are colored might be an argument against the introduction of varied forms of labor into the reformatory, and, perhaps, an argument against the establishment of a reformatory at all. It is highly probable that a large majority of those who would be candidates for a reformatory in this District would belong to the colored race. Having little doubt upon this point, we have been especially interested to learn, from the experience of other jurisdictions where reformatories have been established, what results have been obtained among negroes, and what we have learned has been decidedly in their favor. In some institutions the most skillful workmen have been negroes, and the answers from reformatory and prison officials which have been given to our questions upon this subject have been to the effect that shiftless and awkward specimens of this people are transformed by the discipline and training to competent and often to highly efficient workmen. Our investigation has convinced us that it is a mistake to consider the negro race as incapable of mechanical skill and progress. On the contrary, we believe that one of the strongest arguments in favor of the establishment of a reformatory in this District is that it will serve the purpose of a training school for young colored men who otherwise would never receive any discipline or training whatever. Those who can not be successfully employed in tasks requiring mechanical skill may be put to work upon the land or employed in the heavier forms of labor. The return to daily life of a large number of young colored men who have been so trained in a reformatory that they can immediately command good wages and establish for themselves decent homes will be an example which, in our opinion, will not be lost upon others of their race. It seems little less than a mockery that members of the white race, in control of government, should declaim against the idle and vagrant character of the black race, and yet, when members of that race are arrested for idleness and vagrancy, or vices and crimes that spring therefrom, that they should be shut up in narrow cells and given no form of labor whatever and almost no exercise. When such men are turned back upon the community, what reason is there to expect that they will be anything but idle and vicious?

BETTER CONDITIONS SHOULD BE PROVIDED FOR THE POOR.

The problem of crime among these people can not be considered apart from the general problem of their housing and their surroundings. It is impossible to understand any man apart from his surroundings, and especially apart from what he calls his home. Most of these people who find their way into the criminal court and eventually into prison may be traced back to the miserable alleys and hovels which exist in such large numbers in our city and which are a reproach to our civilization. No one who knows how these people live wonders at their habits or their crimes. While we are striving for penal and reformatory institutions worthy of our people and our time, let us not neglect to remove these breeding places of vice and schools of crime, and to put in their place clean and wholesome dwellings. Let us throw the alley open to the light of day; and let us plant where they are most needed the parks and breathing places, wholesome with sun and air and beautiful with trees and flowers, which may appeal to the purer and better instincts of the people. Washington ought not to be in one part a show place and in the other part a loathsome alley. It ought to be in every part clean and habitable. As you yourself have

expressed it, Mr. President, let us not lavish all our expenditures upon Fifth avenue; let us give a little attention to the East Side.

PLANS OF THE PARK COMMISSION.

The question of the removal of the workhouse from its present site should also be considered in connection with those plans to grace and beautify the city which have been outlined by the park commission. A glance at a map of the District on which these plans have been laid down will show that they contemplate a driveway along the western bank of the Anacostia River, which would necessarily proceed along this very tract which is now dedicated to the punishment of crime, the treatment of contagious diseases, the cremation of the dead, and a quarantine for the smallpox. We feel that these plans may well be considered as an additional argument in favor of the removal of the workhouse and of the other buildings which would naturally disappear in its wake, although we regard the other reasons which we have given for its removal as entirely sufficient in themselves.

SCOPE OF THE REPORT.

If it shall seem to you, Mr. President, that in some portions of our report we have gone somewhat far afield, our reason is that the problem presented has seemed to us to be of such magnitude and to involve such far-reaching consequences that it could not be wisely solved without looking to the future, as well as to the present; without considering the probable growth of the city, as well as its present needs; without considering those new and better methods of dealing with prisoners which have been successfully adopted in many States; without, in short, considering the whole penal system of the District, both as it is and as it ought to be; and without taking note of the conditions which produce crime and whose removal it is possible and practicable for us to secure. The system we are invited to propose is a system for the District of Columbia, the seat of the National Government. The capital of a nation, though it lie at the level of the sea, is a city set on a hill—it can not be hid. Whether we wish it or not, it will be observed of all observers, and its influence will go out for good or for evil in every direction and possibly to every nook and corner of the land. We wish to see a system adopted which may become a model to all who are seeking to improve their own institutions and policies and which shall be worthy to form a part of the law of a wise and just people.

You may remember, sir, that Plutarch relates this anecdote of certain ambassadors from Sparta: When asked whether their proposals were offered in their own name as individuals or in the name of the state, they replied: "In the name of the state, if we succeed; if we fail, in our own." In the same spirit we leave this report in your hands.

Very respectfully,

WENDELL P. STAFFORD,
JNO. JOY EDSON,
ROBERT V. LA DOW,
Commissioners.

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. CLAY. With pleasure.

Mr. JOHNSTON. I want to ask the Senator from Georgia if these institutions are used for the confinement of those who have been arrested but not tried?

Mr. CLAY. They are.

Mr. JOHNSTON. And also for those who have been sentenced?

Mr. CLAY. That is what this report says—I have it here and I will send it to the Senator if he desires to read it—that those who are arrested and can not give bond are lodged in jail. After a man is tried, if he is only sentenced for one year, he is sent to this jail and confined in one of its cells until he serves out that term.

It is a bad system, I insist, that mixes up those that have been convicted and sentenced with those that are awaiting trial. A man is presumed in law to be innocent of an offense until he is convicted. He ought not to be placed in a class with those convicted and sentenced until after his conviction.

Mr. JOHNSTON. I quite agree with the Senator that this condition ought not to exist, but there is another question I want, while on the floor, to ask of the Senator in charge of the bill. I note that the bill says:

One of said tracts shall be used as a site for the construction and erection of a reformatory of sufficient capacity to accommodate at least 1,000 prisoners, and the other for the construction and erection of a workhouse of sufficient capacity to accommodate at least 500 prisoners.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. JOHNSTON. Yes.

Mr. TILLMAN. Probably the Senator from Alabama was not in when the Senator from Nebraska [Mr. BURKETT] moved to change the word "prisoners," where it first occurs, to "inmates." In the second instance the word "prisoners" will remain, I judge, because the two classes are entirely different.

Mr. JOHNSTON. That amendment, I think, was in regard to an entirely different institution.

Mr. TILLMAN. No; it was right in this connection.

Mr. JOHNSTON. Did not the amendment of the Senator from Nebraska apply to the inmates of a hospital?

Mr. GALLINGER. No; to inmates of the reformatory.

Mr. TILLMAN. On page 86, line 6.

Mr. JOHNSTON. The amendment of the Senator from Nebraska applied to a previous paragraph.

Mr. TILLMAN. Am I mistaken about this? Will the Senator from Nebraska please inform us on what page was his amendment that was agreed to?

Mr. BURKETT. On page 86, line 7, I offered an amendment to change the word "prisoners" to "inmates." That was adopted.

Mr. TILLMAN. It was accepted.

Mr. GALLINGER. It was adopted.

Mr. JOHNSTON. That would fit the case of any prisoner.

Mr. TILLMAN. In a reformatory. You do not consider a boy who has stolen an apple, or something of that sort, a criminal. You do not want to make a hardened criminal of him by confining him with older and meaner men. While he is a prisoner in a sense, he is not a prisoner in the mean sense. He is merely sent there to try to bring him up properly and make a different boy of him.

Mr. JOHNSTON. I do not object to the word at all. There is, however, another matter I desire to address myself to, and that is this: We have a population here in the city of Washington of about 300,000. This amendment provides for convicts to the number of 1,500. I desire to say that that seems to me entirely too large a number. In the State of Alabama, where there are 2,000,000 inhabitants, there are only about 2,500 convicts confined in the state institutions.

Mr. TILLMAN. Mr. President, if the Senator will allow me, I would suggest to him that while the provision may seem at this time in excess of the number of prisoners, the city is rapidly growing and the number of criminals here is immense. I have been somewhat familiar with the reports of the chief of police on this subject. A former District Commissioner declared before the District Committee that the criminal classes of Washington were second to those in no other city in the world, or, certainly, in this country. It seems to be a harbor of refuge for a large number of derelict scoundrels who roam in here from Virginia and other Southern States, as well as from the Northern States. They find this such a good field for snatching women's purses and doing other dark and dirty things that it is a favorite place for them to come. Besides, the country is growing, and if we make the institutions too large it will be better to have them empty than to have four or five prisoners in a cell like they have across here on the river, nosing each other like sheep in a pen ready for slaughter.

Mr. JOHNSTON. In spite of what the Senator says about the very large increase of the criminal class here, certainly it ought not to exceed Alabama, with 2,000,000 people, in the number of criminals.

Mr. TILLMAN. The contrast is altogether to the credit of Alabama. I judge the Senator is trying to make that point, and I agree with him entirely that our people of the South are less criminal than they are up this way. [Laughter.]

Mr. GALLINGER. I will suggest to the Senator from Alabama——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. JOHNSTON. Yes.

Mr. GALLINGER. I will suggest that there are at the present time 600 prisoners in our jail.

Mr. JOHNSTON. Are they convicts—men who have been sentenced?

Mr. GALLINGER. I should judge most of them are convicts. The report of the commission says:

At the writing of this report there are confined in the jail substantially 600 persons. Of these the number awaiting trial or awaiting sentence or awaiting the result of their appeal from the sentence of the trial court is a few over 100. All the others, nearly 500, are serving sentence.

It was thought desirable, in view of the fact that this city is going to expand in population—it can not expand in area—so rapidly, that it would be wise in constructing these inexpensive buildings to make the jail large enough to accommodate 1,000 prisoners at some future time.

Mr. JOHNSTON. I agree with that; but we have provided here for 1,500—three times the number now under sentence.

Mr. GALLINGER. About twice as many.

Mr. JOHNSTON. It seems to me, in the present condition of the Treasury and the constant falling off in the revenues, that we ought to have some care about how much money we expend here. I am in hearty sympathy with the effort to remedy existing conditions, but I do not think it necessary to provide for 1,500 prisoners, or inmates, or convicts, or whatever you may call them, if there are now only 500.

Mr. GALLINGER. The Senator is mistaken. There are 500 in the jail, and at the workhouse there is a very large number in addition. The present number of inmates at the workhouse is 400. On some days it has been 600. So that there would be

ten or eleven hundred at the present time, and the amendment makes provision for fifteen hundred.

Mr. JOHNSTON. I did not know that there was such a large number. The fact is that there are now about half as many convicts in this District as there are in the whole State of Alabama.

Mr. GALLINGER. Yes.

Mr. SMITH of Maryland. As I understand the Senator, there are from eleven to twelve hundred already in prison.

Mr. GALLINGER. In the jail and the workhouse.

Mr. SMITH of Maryland. And this amendment provides accommodations for a number only 400 in excess of that?

Mr. GALLINGER. Four or five hundred; that is all.

Mr. TILLMAN. In that connection, Mr. President, it has occurred to me to make an inquiry of the Senator from New Hampshire, if he will kindly give me his attention. Last winter, when the negroes began to snatch purses from ladies on the street and assault them, even on Connecticut avenue——

Mr. GALLINGER. Negroes and white men who blacked their faces.

Mr. TILLMAN. And white men, too. I recall that I introduced what was rather a drastic and perhaps satisfactory vagrant bill, and it passed the Senate without any obstruction or objection. What has become of that bill?

Mr. GALLINGER. The Senator will have to inquire at the other end of the Capitol.

Mr. TILLMAN. I am inquiring of the other end of the Capitol now in the RECORD, because it will soon be, if certain proposed changes to the rules are made, that we can not mention the House of Representatives without getting on our knees, or something like that.

Mr. GALLINGER. That is what I had in view.

Mr. TILLMAN. But I simply want to know if that bill, which we passed here, ever became a law.

Mr. GALLINGER. It has not become a law, I will say to the Senator.

Mr. TILLMAN. Can the Senator give any explanation or guess as to why not?

Mr. GALLINGER. I have not been a Member of the other House for lo these many years.

Mr. TILLMAN. I thought the Senator's affiliations with some of those who are in charge of such legislation at the other end—members of the District Committee, for instance—might enable him to jog them up so that they would take the bill out of the pigeonhole.

I notice that in the last three or four weeks we have had purse snatching resumed. The industry is going on; and I merely make this inquiry with a view to calling the attention of the Senator from Alabama to the fact that if we should get the other House into action toward giving relief to the people of this District, we might have a considerable increase in the population of these two reformatories or workhouses, or whatever they are to be, by putting there some of the vagrants from Virginia, South Carolina, Pennsylvania, West Virginia, and other places that are floating into Washington. Therefore the Senator from Alabama had better not be "penny wise and pound foolish" in providing for the criminal classes, because if the automobiles continue to increase here, according to my friend from Texas [Mr. BAILEY], we shall have a substantial increase of criminals.

Mr. JOHNSTON. I want to say to the Senator from South Carolina that the population here is about 300,000, and more than one-half of it, as I understand, consists of white people.

Mr. TILLMAN. Two-thirds.

Mr. JOHNSTON. Two-thirds. Now, in Alabama there are more white people than there are colored, and yet the inmates of the penitentiary are about 300 white men to twenty-two or twenty-three hundred colored men. So that if that ratio of criminals should prevail in Washington we should have many less, because of the greater proportion of white people in this city.

Mr. BACON. I should like to call the attention of the Senator to one feature. I suppose from the terms of the amendment the anticipation is that the work will be proceeded with immediately. For the purpose of gaining information, I want to call the attention of the Senator to a matter which has doubtless been considered by his committee, and that is the necessity that there shall be consent on the part of either Virginia or Maryland to the acquisition of this property and to the establishing of these institutions.

Mr. GALLINGER. I will say to the Senator that I have been informed from sources that I regard as authoritative that there are already in the statutes of both Maryland and Virginia provisions whereby the Government can purchase land in those States. Am I correct, I will ask the Senator from Maryland, so far as his State is concerned?

Mr. RAYNER. If the Senator is talking about the constitutional provision, it gives the right to acquire all needful buildings. There will be no trouble about that. Whether or not there is a general statute, I do not know.

Mr. BACON. I have no doubt in the world that the State would give the power, if it has not already done so by statutory enactment, but as I understand the other statutes in regard to the acquisition of property and the construction of buildings, it will be necessary that the jurisdiction be ceded to the United States Government. I can not now lay my hand upon the statute. I could, of course, by delaying a little while, which it is not necessary to do. But I think there is a general statute which would require such cession.

Mr. RAYNER. Will the Senator from Georgia permit me for a moment?

Mr. BACON. Certainly.

Mr. RAYNER. The Constitution provides that there must be a cession, and after "arsenals, dockyards," as I recollect it, it uses the words "other needful buildings." There would not be the slightest trouble about it. I think my colleague will agree with me on that. It is a constitutional provision. I may be wrong about it.

Mr. BACON. I am not anticipating any difficulty, but I am simply addressing my remarks to the question whether it is practicable to proceed immediately, or whether it is necessary to have first such proceedings as will vest the jurisdiction in the United States.

I further ask the attention of the Senator to the question whether it is important to incorporate in this bill—Congress is going to adjourn—such a provision as may look to the acquisition of the jurisdiction, and to provide the necessary steps for that purpose.

Mr. RAYNER. I have found the provision, if the Senator will allow me for a moment. Subsection 17 of Article I gives the Congress the right—

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Mr. BACON. I desire to say to the learned Senator from New Hampshire that my object in calling attention to this is not simply for information, but to ask whether it is not important that in this bill there shall be such provision as is necessary in order to give practical effect to the legislation which is now proposed.

I desire to say for myself that upon the statements made by the Senator from New Hampshire and my colleague from Georgia, I am most heartily in favor of the proposed enactment. I think it not only highly important, but obligatory.

Mr. GALLINGER. In a recent interview which I had with Judge Stafford, chairman of this commission, and a very learned lawyer, this very question was gone over. I suggested to him as a layman that I had an impression that a cession would have to be made on the part of the States to the Federal Government. His reply was that he felt sure there would be no trouble about that; that he had investigated it somewhat; that the legislatures were in session at the present time in both States, and his information led him to believe that they would readily and speedily make the cession.

Mr. BACON. I have no doubt of that, but the question I wish to suggest to the Senator is whether or not it is important to incorporate in this bill some provision which shall make it practicable to acquire that consent. The legislature of Maryland and the legislature of Virginia will not of their own motion proceed to legislate. There will have to be some communication by this Government to the legislatures indicating a desire that there shall be such legislation. It seems to me there should be a few words incorporated—I am not prepared to suggest what they shall be—which shall confer the authority upon some official to be designated to request such cession from either legislature.

Mr. GALLINGER. The Senator's observation impresses me as being a very wise one. I am not myself capable of making such an amendment, not being a lawyer. I suggest to the Senator that the provision be adopted and that the Senator, before the bill gets into the Senate, prepare a suitable amendment, and I certainly shall not resist it. I think it is a very wise proposed amendment.

Mr. BACON. I suggest that the form of the amendment may be readily found in a great many instances where we have made provision for the erection of public buildings. In

each such case proper provision is made for the acquisition of land and for the cession of jurisdiction.

Mr. GALLINGER. Yes.

Mr. BACON. If the Senator will have some one—I do not know that I can give the time to it——

Mr. CLAY. If my colleague will permit me, I think most of the States have a general statute providing that when the National Government shall make purchases of land for public buildings or other purposes, this right shall be conceded.

Mr. GALLINGER. I was informed that in the States of Virginia and Maryland such statutes were on the books.

Mr. MARTIN. So far as Virginia is concerned, there is a general statute that answers all of the demands of the Constitution and of the federal law, and there is no need to insert anything in this bill, nor is there any need to get anything from the State of Virginia in addition to what exists now. It has been amply covered and has been acted upon.

Mr. BACON. If a similar law exists in Maryland, then it is not necessary that anything should be incorporated on the subject.

Mr. GALLINGER. I requested Mr. La Dow to make an investigation of this matter, and he reported to me that there would be no trouble in either State. That is all I know of it.

Mr. BACON. I suppose, under the statement made by the Senator from Virginia and upon the assurance given by one in whose judgment the Senator from New Hampshire has confidence, it will not be necessary to insert anything.

But in addition to the information which has been given, which is entirely satisfactory as to Virginia, I hope that before the bill goes out of conference there will be a thorough investigation of the matter.

Mr. GALLINGER. I shall certainly attend to that, I assure the Senator from Georgia.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 87, line 25, after the word "thousand," to insert "two hundred;" in line 2, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" in line 3, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred and eighty;" in line 4, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" and in line 7, before the word "dollars," to strike out "fourteen thousand seven hundred and twenty" and insert "sixteen thousand four hundred and eighty," so as to make the clause read:

Board of Charities: For secretary, $3,000; clerk, $1,200; stenographer, $1,200; messenger, $600; 1 inspector, $1,200; 6 inspectors, at $900 each; 1 driver, at $780; 3 drivers, at $720 each; hostler, $540; traveling expenses, $400; in all, $16,480.

Mr. JOHNSTON. I desire to ask the Senator in charge of the bill why this amendment is necessary. Is it desirable to have extraordinary men for service as drivers? Can we not get them for $600 in the District?

Mr. GALLINGER. The committee may be wrong, but the committee is of opinion that in these days of high prices for everything a family wears and consumes, a man with a family must live at a poor, dying rate at $50 a month in the city of Washington, and for that reason it made a very slight increase in the salaries of these men. Letters were received from some of them showing what their expenses were and how poorly they were compelled to live, which appealed to the committee, and the committee, in its kindness of heart, made this slight increase.

Mr. JOHNSTON. All right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Reformatories and correctional institutions," on page 88, line 11, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 14, before the word "dollars," to insert "two hundred;" in line 15, before the word "hundred," to strike out "two" and insert "five;" and in line 16, before the word "overseers," to strike out "fifteen" and insert "sixteen," so as to read:

For Washington Asylum: For superintendent, $1,800; visiting physician, $1,200; resident physician, $480; clerk, $840; property clerk, $1,200; baker, $600; principal overseer, $1,500; 16 overseers, at $660 each.

The amendment was agreed to.

The next amendment was, in the item for the Washington Asylum, on page 89, line 8, to increase the appropriation for trained nurse, who shall act as superintendent of nursing, from $720 to $900.

The amendment was agreed to.

The next amendment was, on page 90, line 1, to increase the total appropriation for the force at the Washington Asylum from $38,176 to $39,636.

The amendment was agreed to.

The next amendment was, on page 90, line 6, before the word "thousand," to strike out "fifty-five" and insert "sixty-two," so as to make the clause read:

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, $62,000.

The amendment was agreed to.

The next amendment was, in the item for the "Home for the Aged and Infirm," on page 91, line 14, to increase the number of servants at $144 each from 2 to 3.

The amendment was agreed to.

The next amendment was, on page 91, line 16, to increase the total appropriation for the force at the Home for the Aged and Infirm from $13,848 to $13,992.

The amendment was agreed to.

The next amendment was, on page 91, line 21, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, $25,000.

The amendment was agreed to.

The next amendment was, on page 91, line 24, before the word "thousand," to strike out "one" and insert "two," so as to make the clause read:

For repairs and improvements to buildings and grounds, $2,500.

The amendment was agreed to.

The next amendment was, at the top of page 92, to strike out:

For expenses of procuring milk, $2,500, or so much thereof as may be necessary.

And insert:

For installing a dairy, including the erection of buildings, purchase of cattle, and the necessary fixtures for the same, $2,500.

Mr. JOHNSTON. I wish to ask the Senator in charge of the bill if they have considered whether it is better to install a dairy there, and whether they can not get their milk cheaper otherwise?

Mr. GALLINGER. I will say to the Senator that they have a large farm. This is at Blue Plains, on the banks of the Potomac below St. Elizabeth's Hospital, where the Government purchased, I think, between two and three hundred acres of land, and we have now two institutions on that land. There is a chance to raise practically all that would be consumed by the inmates. I was down there last year, at the time I was investigating the hospitals and charitable institutions of the District, and I found two sickly looking cows there. That was the extent of the herd. They were buying milk to a very large amount, and it occurred to me then, and I suggested to the superintendent, that if he would ask Congress to make an appropriation to enable him to establish a dairy there would be no objection to it. That was what led to this provision, which I think is a very wise one, I will say to the Senator. I think it is in the line of economy.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, on page 92, after line 5, to insert:

For purchase and laying of farm-land drain tile, $500.

The amendment was agreed to.

The next amendment was, on page 92, after line 7, to insert:

For erection of additional building for male inmates, $10,000.

The amendment was agreed to.

The next amendment was, on page 92, line 10, to increase the total appropriation for maintenance of the Home for the Aged and Infirm from $37,848 to $54,492.

The amendment was agreed to.

The next amendment was, on page 94, line 8, before the word "dollars," to insert "one hundred and fifty," so as to make the clause read:

For repairs to Columbia Hospital, $2,150.

The amendment was agreed to.

The next amendment was, in the item for the care and treatment of indigent patients, under a contract to be made with the National Homeopathic Hospital Association, etc., on page 94, line 15, after the word "dollars," to insert the following proviso:

Provided, That the limitation of time fixed in the provision to the appropriation for the relief of the National Homeopathic Hospital Association in the District of Columbia appropriation act approved May 26, 1908, is hereby extended to January 1, 1910.

The amendment was agreed to.

The next amendment was, on page 95, line 4, to increase the appropriation for emergency care and treatment of, and free dis-

pensary service to, indigent patients under a contract or agreement to be made with the Eastern Dispensary by the Board of Charities from $6,000 to $10,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 14, on page 95.

Mr. TELLER. Mr. President——

Mr. GALLINGER. While the agreement was that only committee amendments should now be considered, the Senator from Colorado has an amendment the committee would offer if he did not, and I hope the agreement will be waived, so as to allow the Senator to offer the amendment at this point.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Colorado will be received.

Mr. TELLER. I offer the amendment I send to the desk.

The SECRETARY. After line 14, on page 95, it is proposed to insert:

For care and treatment of indigent patients under a contract to be made with the Sibley Hospital by the Board of Charities, $5,000.

Mr. TELLER. I wish for the information of the conference committee to submit a very brief statement in connection with the amendment to go into the RECORD without reading.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

To the Congress of the United States.

Permit me to ask your consideration of Sibley Hospital, which is located at 1150 North Capitol street, Washington, D. C. We believe that its usefulness is of such quantity and quality as to interest both Houses of Congress when the Members know what it is and what is doing.

In 1894, by congressional action, a charter was granted "The National Training School for Missionaries." The institution at that time, in addition to its school, maintained an orphanage and hospital. Soon afterwards the hospital was enlarged by the generous gifts of an honorable citizen of the District of Columbia, W. J. Sibley, and was named "Sibley Hospital" in memory of his wife, who became one of its chief patrons.

It has been maintained without aid other than that received from voluntary gifts of men and women who have some passion for humanity. It is and always has been open to suffering humanity without discrimination as to race, nationality, or religious faith. It is and always has been open to any reputable physician and his patients, barring only those of contagious diseases.

One hundred and eighty-three physicians and surgeons availed themselves of the privileges offered during the last year. One thousand and fifty-three patients were treated by them from July 1, 1907, to July 1, 1908, and 1,514 emergency cases. A free dispensary service is maintained, the only service of the kind in that portion of the city, and annually the free service rendered has been equivalent to $15,000. Much of the time a "deaconess" nurse has given her time to nursing in the homes of the poor and unfortunate.

The hospital maintains 85 beds, and for the past year the daily average of the patients cared for has been 50. It maintains 30 nurses, on the average, for each day of the year. I submit a few of the annual reports, which contain other items of interest.

Believing that the institution is worthy of consideration, I have taken the liberty of stating these facts.

I am, most respectfully,

Yours, WILLIAM H. WILDER,
President.

SIBLEY HOSPITAL, WASHINGTON, D. C.

To the Congress of the United States:

Permit us most respectfully to ask your careful consideration of the claims of Sibley Hospital, which is located between Pierce and M, at 1150 North Capitol street, Washington, D. C. We entertain the belief that you will find that its usefulness is of such quantity and quality as to interest you in its purposes and achievements. Therefore we beg you to examine into the statement of facts, which in very brief form sets forth what the hospital stands for, what it is accomplishing, and what it has accomplished.

The title to the property is vested in "The Woman's Home Missionary Society" of the Methodist Episcopal Church, and is controlled by a local board of directors of both men and women. By congressional action in 1894 a charter was granted "The National Training School for Missionaries." For some time the unincorporated institution, in addition to its school of training, maintained an orphanage and a hospital. By means of a generous gift from W. J. Sibley, an honorable citizen of this city, the hospital was built and afterwards enlarged and given the name "Sibley Hospital," in memory of Mrs. Sibley, who from the beginning had been one of its chief patrons.

It has been established and maintained wholly by the voluntary contributions of men and women who have some passion for humanity. It is and always has been open to the suffering without discrimination as to race, nationality, or religious faith or practice. It is and always has been open to any reputable physician and his patients, barring only such patients as have chronic or contagious diseases.

From July 1, 1907, to July 1, 1908, 183 physicians and surgeons availed themselves of the privileges of the hospital. During this period 1,053 patients were treated by them, and in addition thereto the hospital attended to 1,514 emergency cases. A free dispensary service is maintained, the only service of that kind in that portion of the city, and for several years the annual free service rendered has been fully equivalent to $10,000. During much of the time a "deaconess" nurse has given her time to nursing in the homes of the poor and unfortunate.

The hospital maintains 85 beds, also a free ward, and for the past year the daily average of the patients cared for has been 50. It maintains on the average 30 nurses for each day in the year. We would be pleased to submit a few of the annual reports, which contain other items of interest.

Permit us also to state that the hospital is purely philanthropical and charitable; that it is established and maintained without any pecuniary profit whatever to its promoters or board of directors; and that it ministers almost wholly to the suffering within the limits of the District of Columbia. Hoping that you will give careful consideration to its work, spirit, methods, and purposes; that having done so, you will recognize its claims in common with those institutions of like aims and work within the District; and that we may have a fair remuneration for the free service rendered and a proportionate share of the moneys appropriated by Congress for hospital purposes.

We most respectfully subscribe ourselves, by the order and in behalf of the local board of directors.

WM. H. WILDER, *Superintendent,*
HENRY FRANCE, *Director,*
J. W. R. QUINWAIT, *Director,*
Committee.

WASHINGTON, D. C.

The following tables will show something of the work and growth of the hospital from July 1, 1898, to July 1, 1908:

Table I.

Time.	Patients classified.			Operations.	Emergency cases.[a]
	Free.	Pay.	Total.		
1898-99	121	50	171	Not kept.	Not kept.
1899-1900	200	165	365	Not kept.	Not kept.
1900-1901	330	272	602	Not kept.	Not kept.
1901-2	214	387	591	213	384
1902-3	175	572	747	354	313
1903-4	211	635	846	358	384
1904-5	201	776	977	410	700
1905-6	194	941	1,135	545	1,202
1906-7	270	741	1,011	315	1,120
1907-8	351	702	1,053	449	1,514

[a] Free ward.

Table II.

For the last five years the average:	
Expenses	$35,000.00
Receipts	27,069.79
Excess of expense over receipts made up only by voluntary gifts	7,830.21

"Nash Hall," the original building, was a gift from Mr. Nash, of Washington. The "Sibley" building was constructed as a cost of about $25,000. The buildings and grounds are valued at about $100,000.

An extension is sadly needed to accommodate the patients knocking at the doors. We have just put in a new and larger elevator at a cost of about $4,000. It is yet unpaid for.

The following table will show that we make no discrimination on account of nationality, race, or religious belief.

Table III.

Religion.	1903-4.	1904-5.	1905-6.	1906-7.	1907-8.	Total.
Adventists	1	2	6	2	2	13
Ascensionest	1					1
Bahai					2	2
Baptists	88	125	149	100	134	596
Catholic	85	106	196	131	161	679
Christian	13	22	34	24	25	118
Christian Science	1				2	3
Congregational	11	20	14	19	12	76
Confucianism		1				1
Disciple				1		1
Dunkard			1			1
Dutch Reform				6	5	11
Episcopal	79	121	172	123	155	650
Evangelical	1					1
Friends		2	4	1	1	8
Greek Church				2		2
Hebrew	5	8	17	19	36	85
Lutheran	24	38	38	50	36	186
Methodists	209	213	261	327	305	1,315
Methodist Protestant			12			12
Presbyterian	47	74	124	65	91	401
Protestant, but no denomination	170	102	101	126	75	574
Reform		2				2
Salvation Army	1	1		1	2	5
Shaker		1				1
Spiritualist	1			2		3
Unitarian	3	7	4	5	1	20
Universalist	2			2	1	5
United Brethren	5	1	2	5	5	18
United Presbyterian					2	2
Unknown	99	131				230
Total	846	977	1,135	1,011	1,053	5,112

Mr. JOHNSTON. I wish to ask the Senator from Colorado to explain briefly what this is.

Mr. TELLER. This is a hospital that has been in service for several years without having any appropriation from the Government. One-third of the patients have been free patients. Out of 1,053 cases one-third were served free. The hospital takes all classes and all kinds of people; people of every de-

nomination. I think it is really the most beneficent small charity in the city.

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

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 95, line 16, before the word "hundred," to strike out "two" and insert "eight;" in line 19, before the word "hundred," to strike out "six" and insert "nine;" in line 20, before the word "hundred," to strike out "three" and insert "five;" in line 21, before the word "dollars," to strike out "three hundred and sixty-five" and insert "five hundred;" in line 22, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 25, after the word "dollars," to insert "assistant engineer, $480;" on page 96, line 3, after the word "dollars," to insert "laundress, $180;" in line 6, after the word "each," to insert "ward maid, $180;" in line 8, after the word "each," to insert "farmer and gardener, $540;" and in line 10, before the word "dollars," to strike out "twelve thousand three hundred and thirty-five" and insert "fifteen thousand eight hundred and eighty," so as to make the clause read:

Tuberculosis Hospital: For superintendent, $1,800; resident physician, $480; pharmacist and clerk, $720; superintendent of nurses, $900; matron, $600; pathologist, $500; 7 graduate nurses, at $500 each; chief cook, $600; 2 assistant cooks, at $180 each; engineer, $720; assistant engineer, $600; assistant engineer, $480; 2 firemen, at $300 each; elevator conductor, $300; laundryman, $480; laundress, $180; laborer, $360; night watchman, $360; 3 orderlies, at $300 each; ward maid, $180; 4 servants, at $180 each; farmer and gardener, $540; in all, $15,880, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 96, line 19, to increase the appropriation for necessary equipment for pathological laboratory, Tuberculosis Hospital, from $500 to $600.

The amendment was agreed to.

The next amendment was, on page 96, line 21, to increase the appropriation for repairs and improvements of buildings and grounds at the Tuberculosis Hospital from $500 to $1,000.

The amendment was agreed to.

The next amendment was, on page 96, line 22, to increase the total appropriation for maintenance of the Tuberculosis Hospital from $38,335 to $42,480.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 97, line 9, before the word "dollars," to strike out "and eighty" and insert "two hundred;" in line 10, after the word "dollars," to strike out "placing officer, $720," and insert "two placing officers, at $900 each; in line 13 before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred;" and in line 17, before the word "dollars," to strike out "seven thousand five hundred and sixty" and insert "eight thousand eight hundred and twenty," so as to make the clause read:

For agent, $1,800; executive clerk, $1,200; placing officer, $900; two placing officers, at $900 each; investigating clerk, $900; record clerk, $660; visiting inspector, $600; 1 clerk, $600; messenger, $360; in all, $8,820.

The amendment was agreed to.

The next amendment was, on page 99, line 1, before the word "dollars," to strike out "four hundred and eighty," and insert "five hundred and forty;" and in line 4, before the word "dollars," to strike out "and sixty," and insert "one hundred and twenty," so as to make the clause read:

Industrial Home School for Colored Children: For superintendent, $1,200; matron of school, $480; 2 caretakers, at $360 each; 2 assistant caretakers, at $300 each; 2 teachers, at $480 each; sewing teacher, $360; manual training teacher, $480; farmer, $540; watchman, $300; cook, $240; laundress, $240; in all, $6,120.

The amendment was agreed to.

The next amendment was, on page 99, line 8, before the word "equipment," to insert "manual training;" and in line 9, before the word "dollars," to strike out "five hundred" and insert "one thousand," so as to make the clause read:

For necessary furniture and manual training equipment, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 99, line 12, to increase the appropriation for repairs and improvements for buildings and grounds at the Industrial Home School for Colored Children from $250 to $500.

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

For necessary tiling and pipes, $300.

The amendment was agreed to.

The next amendment was, on page 99, after line 13, to insert:

For materials, implements, and supervision for grading, road-making, and making culverts and abutments, $1,000.

The amendment was agreed to.

The next amendment was, on page 99, line 18, to increase the total appropriation for maintenance of Industrial Home School for Colored Children from $12,310 to $14,420.

The amendment was agreed to.

The next amendment was, on page 100, line 2, before the word "matrons," to strike out "two" and insert "three;" in line 8, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" in line 9, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and forty;" in line 12, before the word "dollars," to strike out "forty-four" and insert "eighty;" in line 14, before the word "dollars," to strike out "seven thousand five hundred and eighty-eight" and insert "eight thousand two hundred," so as to make the clause read:

For the Industrial Home School: For superintendent, $1,200; matron, $480; 3 matrons, at $360 each; 2 assistant matrons, at $300 each; housekeeper, $360; sewing teacher, $360; nurse, $300; manual training teacher, $600; florist, $720; engineer, $720; farmer, $540; cook, $240; laundress, $240; 2 housemaids, at $180 each; temporary labor, not to exceed $400; in all, $8,200.

The amendment was agreed to.

The next amendment was, in the items for the Industrial Home School, on page 100, line 16, to increase the appropriation for maintenance, including purchase and care of horse, wagon, and harness, from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 100, line 18, to increase the appropriation for repairs and improvements to buildings and grounds, Industrial Home School, from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, on page 100, line 22, to increase the total of the appropriation for maintenance of Industrial Home School from $20,638 to $26,750.

The amendment was agreed to.

The next amendment was, at the top of page 101, to insert:

For the erection of suitable buildings for a school for feeble-minded children, to be located on the tract of land at Blue Plains, now owned by the District of Columbia, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary homes," on page 101, line 22, after the word "dollars," to strike out "and laborer, $360," and insert "and foreman, $480; night watchman for six months, at $25 per month, $150;" and on page 102, line 4, before the word "dollars," to strike out "seven hundred" and insert "nine hundred and seventy," so as to make the clause read:

For municipal lodging house and wood and stone yard, namely: For superintendent, $1,200; cook, $360; and foreman, $480; night watchman for six months, at $25 per month, $150; maintenance, including rent, $1,780; in all, $3,970.

The amendment was agreed to.

The next amendment was, on page 102, line 17, before the word "thousand," to strike out "two" and insert "three," so as to make the clause read:

For the care and maintenance of women and children under a contract to be made with the Florence Crittenton Hope and Help Mission by the Board of Charities, maintenance, $3,000.

The amendment was agreed to.

The next amendment was, on page 103, line 19, to increase the appropriation for transportation of paupers from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 103, line 22, before the word "reasonable," to strike out "a more" and insert "subject to change from time to time, a;" on page 104, line 1, before the word "so," to strike out "thereafter the tariff" and insert "the tariffs," so as to make the clause read:

That the Commissioners of the District of Columbia be authorized and directed, after due investigation, to prepare and put in immediate operation, subject to change from time to time, a reasonable scale of charges by cabs, taxicabs, and other public vehicles, for the transportation of passengers in the District of Columbia, and the tariffs so prepared shall be the maximum charges that may be collected in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 104, line 10, after the word "pay," to strike out "and the accounting officers are directed to settle the accounts for camps, instruction, and practice marches for the fiscal year 1910 in accordance herewith," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills and

parades, rent, fuel, light, heat, care, and repair of armories, practice ships, boats, machinery, and dock, dredging alongside of dock, and for telephone service, $45,300.

The amendment was agreed to.

The next amendment was, in the items for pay of troops other than government employees, on page 106, line 9, after the word "necessary," to insert the following proviso:

Provided further, That the President of the United States may, upon request of the commanding general, assign an officer of the navy to duty with the National Guard of the District of Columbia, who, while so assigned, shall be commissioned as an officer of the naval battalion and be subject to the orders of the commanding general.

The amendment was agreed to.

The next amendment was, on page 106, after line 17, to insert:

EXTENSION OF WATER MAINS.

For the extension of water mains in the following localities: Thirty-inch main from Kentucky and Potomac avenues to Twining City, $42,000; 20-inch main from Twining City to Congress Heights, $67,000; and a 20-inch main from Twining City to Benning, $70,000; in all $179,000; said amount to be repaid from the revenues of the water department at the rate of 5 per cent per annum, beginning July 1, 1910.

Mr. JOHNSTON. Will the Senator in charge of the bill explain the necessity for this item?

Mr. GALLINGER. I will say, Mr. President, that the first of these water mains is in close proximity to the navy-yard on two of the avenues that were made when the city was first laid out—Kentucky avenue and Potomac avenue, which was formerly known as "Georgia avenue." It is a thickly settled part of the city and the residents there have no adequate water main. This is a provision to give them what they ought to have had a long time ago.

Twining City and Congress Heights and Benning are across the river, Twining City being directly across the bridge that spans Pennsylvania avenue east of the Capitol. They are villages of several hundred people each, Benning being quite a place, and Congress Heights having been built up very rapidly of recent years. They are inadequately supplied with water mains, so much so that there is a universal protest from the people there. The commissioners, after investigating the matter, recommended that these mains should be provided for. It is one of the necessary improvements in a community such as this.

The amendment was agreed to.

The next amendment was, under the head of "Water department," on page 107, line 11, after the word "dollars," to insert "clerk, $1,400;" in line 12, before the word "clerks," to strike out "four" and insert "three;" and in line 13, after the word "each," to insert "2 meter computers, at $1,000 each," so as to make the clause read:

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, $2,100; clerk, $1,500; clerk, $1,400; clerk, $1,400; 3 clerks, at $1,000 each; 2 meter computers, at $1,000 each; chief inspector, $1,000; 9 inspectors, at $900 each; 10 inspectors, at $800 each; assistant tapper, $825; messenger, $600.

The amendment was agreed to.

The next amendment was, in the item for the distribution branch of the water department, on page 108, line 1, to increase the appropriation for the salary of assistant engineer from $2,100 to $2,400.

The amendment was agreed to.

The next amendment was, on page 109, line 1, to increase the total appropriation for the maintenance of the water department from $80,160 to $82,860.

The amendment was agreed to.

The next amendment was, on page 109, line 6, to increase the appropriation for contingent expenses, including books, blanks, stationery, printing, etc., for the water department from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, on page 109, line 15, after the word "work," to insert "and including a sum not exceeding $500 for the use of bicycles by inspectors of the water department;" and in line 17, before the word "thousand," to strike out "forty" and insert "forty-two," so as to make the clause read:

For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and lowering mains, laying new mains and connections, and erecting and repairing fire plugs, and purchase and maintenance of two motor trucks, horses, wagons, carts, and harness necessary for the proper execution of this work, and including a sum not exceeding $500 for the use of bicycles by inspectors of the water department, $42,000.

Mr. JOHNSTON. I ask the Senator in charge of the bill what the amendment in lines 15 and 16 means? Does it mean the purchase of bicycles?

Mr. GALLINGER. I will say to the Senator that there is an immense waste of water in the District of Columbia. It is so great that it has become almost a scandal, and it is very necessary to have inspectors go from hotel to hotel, house to house, and public building to public building for the purpose of investigating that matter.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered, and the Senator from New Hampshire will proceed.

Mr. GALLINGER. At the present time the inspectors have either to hire carriages or to pay railroad fare to make these inspections. It is thought by the commissioners that if $500 is appropriated for the use of bicycles it will be a matter of economy, and the amendment was put in the bill at the instance of the commissioners. That is all I know about it.

Mr. JOHNSTON. The point I asked the Senator was whether the word "purchase" should not be included, because if these people are to be paid $500——

Mr. GALLINGER. For the purchase and use?

Mr. JOHNSTON. Yes. I understand the bicycles are to be used by the employees, and the bicycles that are to be used will belong to the District government.

Mr. GALLINGER. I will be glad to insert the words "purchase and" before the word "use."

The VICE-PRESIDENT. The Senator from New Hampshire moves an amendment to the amendment, which will be stated.

The SECRETARY. In line 16, before the word "use," insert the words "purchase and," so as to read:

For the purchase and use of bicycles by inspectors of the water department.

Mr. JOHNSTON. My idea is that if the District government owns them it will not have to pay for the use thereafter.

Mr. GALLINGER. Exactly.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 109, line 21, before the word "to" where it occurs the first time," to insert "for the general use of and," so as to read:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, including a 12-inch main for the general use of and to afford fire protection to the National Training School for Boys.

The amendment was agreed to.

The next amendment was, in the item for continuing the extension of and maintaining the high-service system of water distribution, on page 110, line 10, after the word "appropriated," to insert the following proviso:

Provided, That hereafter the Commissioners of the District of Columbia are authorized, in their discretion, to grant leaves of absence, not exceeding two and one-half days per month, with pay, and pay for legal holidays, to such per diem employees as are appointed specifically and in writing by said commissioners under authority of law and whose services cover a period of three months or more.

Mr. BURKETT. I should like to ask the Senator in charge of the bill if this is intended to include the employees of the District, or only the employees of the water department?

Mr. GALLINGER. I think the purpose of it is to make it general. There are comparatively few per diem employees now. They were mostly put on the salary rolls a year or two ago.

Mr. BURKETT. Yes; I understand.

Mr. GALLINGER. There are a few still scattered throughout the District remaining on per diem rolls.

Mr. BURKETT. This is to be general?

Mr. GALLINGER. I understand it to be general.

Mr. BURKETT. Then, I suggest that the paragraph should be amended, either in punctuation or, perhaps, by a change in phraseology. The word "*Provided*," with a colon preceding refers probably only to the rest of the paragraph, and, at most, the way it is put in there it refers only to the water department. I suggest that either the paragraph should go in a new place or perhaps the colon should be stricken out and a period inserted. With the colon the proviso attaches only to that paragraph.

Mr. GALLINGER. I am quite willing to have a period inserted before the word "*Provided*."

Mr. BURKETT. I suggest that it be passed over so that we may see if it can not go into another place where it will be more general.

Mr. GALLINGER. Very well, and the Senator will look at it. He will not have much time to look at it, I suggest.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment was, in section 2, page 111, line 9, before the word "thousand," to strike out "fifty-nine" and insert "sixty-six," so as to make the paragraph read:

The services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners of the District; and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District in their annual estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed $66,000 during the fiscal year 1910.

The amendment was agreed to.

The next amendment was, on page 114, after line 16, to insert as a new section the following:

SEC. 7. That until and including June 30, 1910, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That all advances made under this act and under the acts of February 11, 1901, July 1, 1902, March 3, 1903, April 27, 1904, March 3, 1905, June 27, 1906, March 2, 1907, and May 26, 1908, not reimbursed to the Treasury of the United States on or before June 30, 1910, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1910, together with interest thereon at the rate of 2 per cent per annum on annual balances until so reimbursed: *Provided further*, That the Auditor for the State and Other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States: *And provided further*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of acquisition of land for street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

Mr. JOHNSTON. I should like to ask the Senator from New Hampshire if this does not impose an obligation upon the Government of the United States directly to make an indefinite loan for five years to the District of Columbia at 2 per cent? Is not that the effect of it?

Mr. GALLINGER. That is the effect of it. It is a provision that has been in every District of Columbia appropriation act since 1901.

Mr. JOHNSTON. Was the period of the loan, five years, named in the former acts?

Mr. GALLINGER. Yes, sir.

Mr. JOHNSTON. This is the usual form?

Mr. GALLINGER. It is the usual form. This municipality has no means of meeting extraordinary expenses as contradistinguished from current expenses. The result has been that they have had to ask the Government to loan them money at a low rate of interest from time to time, to be repaid in annual installments. The indebtedness at the present time of the District of Columbia to the Government, I will say to the Senator, is $4,000,000; but they are paying it as rapidly as they can.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. GALLINGER. I have a few committee amendments to offer.

On page 79, the paragraph from lines 11 to 19, inclusive, is a committee amendment, which was discussed somewhat yesterday. I have a substitute to offer for it which is acceptable to the Senator from Alabama [Mr. JOHNSTON], who objected to the amendment in the form in which it is included in the bill.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The SECRETARY. It is proposed to insert in lieu of lines from 11 to 19, inclusive, on page 79, the following:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed to the health officer and assistant health officer, medical inspector in charge of contagious disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of their official duties, not to exceed $365 per annum each, and other necessary traveling expenses, $6,000, or so much thereof as may be necessary.

Mr. JOHNSTON. I want to say that my recollection is that, upon motion of the Senator from Texas [Mr. CULBERSON], that amount was reduced from $6,000 to $3,000.

Mr. GALLINGER. It was.

Mr. JOHNSTON. The Senator from Texas is out of the Chamber just at this moment.

Mr. GALLINGER. This is a substitute for the amendment in the bill as it stands amended at the present time.

Mr. JOHNSTON. But the motion of the Senator from Texas was to strike out the appropriation there of $6,000 and to insert $3,000. I will ask the Senator from New Hampshire to wait a few moments until the Senator from Texas returns. Meanwhile let the amendment be passed over.

Mr. GALLINGER. Let the amendment be passed over for the present.

The VICE-PRESIDENT. The amendment will be passed over for the present.

Mr. GALLINGER. On page 6, line 5, the comma after the word "labor" should be stricken out.

The VICE-PRESIDENT. The Secretary will state the amendment suggested by the Senator from New Hampshire.

The SECRETARY. On page 6, line 5, after the word "labor," it is proposed to strike out the comma.

The amendment was agreed to.

Mr. GALLINGER. On page 16, line 1, after the word "For," I move to insert the words "secretary or."

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

The SECRETARY. On page 16, line 1, after the word "For," it is proposed to insert the words "secretary or," so as to read:

Automobile board: For secretary or acting secretary of the automobile board, $300.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 29, line 12, after the word "pave," I move to strike out the words "35 feet wide" and to insert "at present width."

The amendment was agreed to.

Mr. GALLINGER. On page 29, line 10, the committee amendment should be amended by adding the words "road or old Fourteenth street road" after the words "Piney Branch."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 65, line 10, after the word "seventy-six," the word "and" should be changed to "to."

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

The SECRETARY. On page 65, line 10, after the word "seventy-six," it is proposed to strike out "and" and to insert "to," so as to read:

For construction of a normal school building on lots 76 to 106.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 16, line 6, after the word "dollars," where it occurs the first time, I move to insert "examiner, $1,500," and a semicolon.

The amendment was agreed to.

Mr. GALLINGER. On page 16, in line 8, after the word "hire," I move to strike out "one thousand two" and insert "nine."

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

The SECRETARY. On page 16, in line 8, after the word "hire," it is proposed to strike out "one thousand two" and to insert "nine," so as to read:

Temporary clerk hire, $900.

The amendment was agreed to.

Mr. GALLINGER. On page 19, in lines 7 and 8 of the committee amendment, the words "purchase and maintenance of transportation vehicles" should be inserted after the word "equipment," in line 9. It is simply a transposition.

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

The SECRETARY. On page 19, in line 7 of the committee amendment, it is proposed to strike out "purchase and maintenance of transportation vehicles," and in line 9, after the word "equipment," it is proposed to insert "purchase and maintenance of transportation vehicles."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. On page 33, after line 5, I offer the amendment which I send to the desk.

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

The SECRETARY. On page 33, after line 5, it is proposed to insert:

Northeast: M street, Bladensburg road to Twenty-fourth street, grade, $2,200.

The amendment was agreed to.

Mr. GALLINGER. Now, if the Senator from Nebraska is ready, I trust he will offer his amendment.

Mr. BURKETT. I suggest that the paragraph on page 110 be inserted on page 114 as a new paragraph, and that the first words, "*Provided*, That," be stricken out, so that it will be paragraph 6 on page 114, and that paragraphs 6 and 7 may be renumbered 7 and 8; that is, after the other general provision pertaining to the District of Columbia and just before the two paragraphs pertaining to the fiscal system.

Mr. GALLINGER. I ask the Senator from Nebraska if his purpose would not as well be accomplished by striking out the colon, inserting a period, and striking out the word "*Provided*," on page 110?

Mr. BURKETT. Strike out "*Provided*, That." Yes; if you make it a different and a new paragraph.

Mr. GALLINGER. If the Senator will agree to have the colon and the words "*Provided*, That" on page 110 stricken out and allow it to remain there, I think it would suit my convenience better.

Mr. BURKETT. Very well.

Mr. GALLINGER. Let that be done.

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

The SECRETARY. On page 110, in the committee amendment, on line 10, it is moved to strike out the words "*Provided*, That;" to spell the word "hereafter" with a capital "H," and to strike out the colon after the word "appropriated" and to insert a period.

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama rise to the pending amendment?

Mr. JOHNSTON. I rise to inquire of the Senator in charge of the bill if this will not bring into confusion the leaves of absence that are granted to employees of the District of Columbia? I understand that there is a general law which regulates that subject, and now we propose to entirely change it by granting power to the Commissioners of the District of Columbia to grant leaves not exceeding two and a half days per month with pay. Would not that be additional to the leaves they are now allowed?

Mr. GALLINGER. They have no leaves of absence at the present time. These are a few per diem employees, I will say to the Senator from Alabama, and the law applies simply to those who are on the regular rolls. They are granted thirty days' leave of absence; but there are a few per diem employees who are not given any leaves of absence. This amendment simply takes care of those few men.

Mr. JOHNSTON. I do not think that the clause is clear in confining the provision to per diem employees. I suggest to the Senator that he insert, after the words "grant leaves of absence," the words "to per diem employees."

Mr. BURKETT. The words "per diem employees" are in line 14.

Mr. JOHNSTON. I understand. Does the Senator from New Hampshire think those words have the same effect there?

Mr. GALLINGER. I think so. I think the Senator would not improve the provision by changing it in the way he suggests.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. BURKETT. I offer another amendment, to come in on page 66, line 26. I move to strike out the words "if feasible."

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

The SECRETARY. On page 66, line 26, after the words "outward and," it is proposed to strike out "if feasible," so that the clause will read:

School buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward and each of said buildings having in excess of eight rooms shall have at least four exits.

Mr. BURKETT. There ought not to be erected any school building which contains that many rooms where it is not feasible to have four exits.

Mr. GALLINGER. I have no objection to the amendment.

The amendment was agreed to.

Mr. BURKETT. I have another amendment which I desire to offer. On page 102, in the provision beginning in line 5, "For Temporary Home for ex-Union Soldiers and Sailors," in line 9, before the word "thousand," I move to strike out "three" and insert "four," so as to make the appropriation for this purpose $4,580.

I will say to the Senator from New Hampshire that one of the leading officials of the old veterans' organization called to see me and spoke of the extraordinary expense that they would probably be put to this year on account of the inauguration, their going into a new building, and so forth, stating that they had intended to present this to the committee, but had not, and asked me to introduce it for them.

Mr. GALLINGER. That is not estimated for and is, I think, subject to a point of order, but I shall not make the point of order, but will let it go into the bill and be considered in conference.

Mr. BURKETT. Let it be considered in conference.

Mr. GALLINGER. And if the Senator will kindly exert his persuasive influence at the other end of the Capitol, it may be kept in.

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

The SECRETARY. On page 102, line 9, before the word "thousand," it is proposed to strike out "three" and to insert "four," so as to read:

For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, $1,200; janitor, $360; and cook, $360; maintenance, $4,580.

The amendment was agreed to.

Mr. BURKETT. On the same page, in line 10, before the word "thousand," I move to strike out "five" and to insert "six," so as to increase the total appropriation for that purpose to $6,500.

The amendment was agreed to.

Mr. GALLINGER. I will at this point, Mr. President, ask that the Secretary be empowered to change the totals throughout the bill. There have been some increases which make the changing of totals necessary.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Secretary be empowered to change the totals throughout the bill where necessary. Without objection, it is so ordered.

Mr. McCUMBER. I understand that the committee amendments are completed.

Mr. GALLINGER. They are.

Mr. McCUMBER. I offer an amendment, which I send to the desk, to be inserted on page 33, after line 2.

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

The SECRETARY. On page 33, after line 2, it is proposed to insert:

Northwest: Pave 30 feet wide Twenty-third street NW. from S street to Kalorama road, and Kalorama road from Twenty-third street to Connecticut avenue, $20,000.

Mr. GALLINGER. I will say that that was estimated for, but the committee felt that they had made other additions that seemed to be more important, and so they left it out. But I have no objection to its going into the bill and being considered in conference.

The amendment was agreed to.

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

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

The SECRETARY. On page 33, after line 5, it is proposed to insert:

For paving with asphalt Connecticut avenue extended from Macomb street to Newark street, $3,500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. CARTER. On page 29, line 6, I move to amend by striking out "ten" and inserting "twenty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 6, before the word "thousand," it is proposed to strike out "ten" and insert "twenty," so as to read:

Northwest: Sixteenth street extended, grade and improve, $20,000.

Mr. GALLINGER. I have no objection, Mr. President, to that amendment going to conference.

Mr. CULBERSON. Mr. President, the Senator from New Hampshire may have no objection to the amendment, but I should like to know what necessity there is for doubling the appropriation. Probably the Senator from Montana, who proposed the amendment, can enlighten us about it.

Mr. CARTER. Mr. President, Sixteenth street beyond the present improvements has been the subject of considerable comment in the Chamber as these appropriation bills have come in

from year to year. The fact is that many years ago citizens of the District, landowners along the line of the street, donated land for a right of way, which was estimated to be worth about a million dollars, with an understanding at the time that the street would be opened and improved to the District line. The conveyances of the right of way were made to the District. The right of way is owned by the District, but the improvements have never been made in accordance with the original understanding under which the conveyances were received by the District. A bridge is provided for across what is known as "Piney Branch," which will be completed during the year, and the bridge will be of no value unless the approaches to it are completed. It is the purpose of this amendment to allow a sufficient sum to make the road passable to the bridge and approaches. The sum provided for in the bill as it passed the other House is manifestly inadequate.

Mr. CLAY. I ask that the amendment be again read.

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

The Secretary again read the amendment.

Mr. BACON. There seems to be no limitation in the amendment. It does not specify to what point the improvement will extend.

Mr. CARTER. There is only one point at which improvements have been in progress for many years. There is a very trifling amount of work, as the Senator will recall from personal observation, across what is known as the "Piney Branch," north of Mount Pleasant. The grade there being made will probably occupy the District for many years. The road, although partially built, is impassable, and a detour must now be made to Fourteenth street, or else into Rock Creek Park, in order to get north, inasmuch as the old roadway has been abandoned and rendered impassable by the grade which has been partially built up. The District Commissioners and the engineer in charge will clearly understand that there is only one place in the entire street for the expenditure of this appropriation.

Mr. BACON. The Senator understands, then, that without any more definite specification the appropriation would be understood as being limited to that particular work?

Mr. CARTER. There could scarcely be any misunderstanding about it. The tools and equipment are now upon the ground, and this is merely providing for the prosecution of a work already under way.

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

The amendment was agreed to.

Mr. GALLINGER. On page 79 there is an amendment not yet agreed to. It is an amendment to the amendment of the committee. The Senator from Alabama [Mr. JOHNSTON] agreed to the amendment; but he wanted the Senator from Texas [Mr. CULBERSON] to be here before it was acted upon. I ask that it be again read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 79, in place of the committee amendment beginning in line 11 and ending in line 19, it is proposed to insert the following:

For necessary expenses of inspection of dairy farms, including amounts that may be allowed to the health officer and assistant health officer, medical inspector in charge of contagious-disease service, and inspectors assigned to the inspection of dairy farms, for the maintenance of horse and vehicle, or motor vehicle, for use in the discharge of his official duties, not to exceed $365 per annum each, and other necessary traveling expenses, $6,000, or so much thereof as may be necessary.

Mr. JOHNSTON. I think that would cover the point I made.

Mr. CULBERSON. As I understand, the amendment I proposed, to strike out "six" and insert "three," was adopted.

Mr. GALLINGER. I will say to the Senator from Texas that these men own their horses and vehicles. To give them a dollar a day would amount to $4,745; and then there are other necessary expenses. The $6,000 really ought to be in the bill.

The VICE-PRESIDENT. The Senator from Texas is correct. His amendment in line 18, striking out "six" and inserting "three," was agreed to.

Mr. CULBERSON. I understood so.

Mr. GALLINGER. Yes; but if this amendment is adopted, it will take the place of the other.

Mr. CULBERSON. Well, I will ask for a vote of the Senate on it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, after line 20, it is proposed to insert:

No expenditures shall be made under appropriations made by this section for gas that contains as much as 20 per cent carbon monoxide.

Mr. GALLINGER. Mr. President, the Committee on the District of Columbia is diligently engaged considering the monoxide question. It will take from a year and a half to two years to change the plants, so that the company can make gas that does not contain more than 10 per cent monoxide, and it will take about $2,000,000 to do it. For us to insert a provision of that kind in this bill would, under existing conditions, simply be an absurdity. It could not be complied with; and yet I suppose the gas company would be liable to prosecution for violating a law that it would be utterly impossible for the company to comply with. I hope the amendment will not be agreed to.

Mr. SMITH of Maryland. I suggest that the chairman of the District of Columbia Committee might say that that matter is being now considered.

Mr. GALLINGER. I made the statement, I will say to the Senator from Maryland, that we are diligently considering it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from South Carolina [Mr. GARY].

The amendment was rejected.

Mr. CLAY. On page 5, line 8, I move to strike out "five" and insert "eight." I am inclined to think the Senator in charge of the bill will accept the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 8, after the words "one thousand," it is proposed to strike out "five" and insert "eight," so as to read:

For care of District building: Clerk and stenographer, $1,800.

Mr. GALLINGER. I have no objection to that amendment going into conference. It will be inquired into.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Georgia [Mr. CLAY].

The amendment was agreed to.

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

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

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 6, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1909.

ASSOCIATE JUSTICE SUPREME COURT OF HAWAII.

Arthur A. Wilder, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii. A reappointment, his term expiring February 12, 1909.

JUDGE OF CIRCUIT COURT OF HAWAII.

Alexander Lindsay, jr., of Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii. A reappointment, his term expiring March 2, 1909.

RECEIVER OF PUBLIC MONEYS.

Hugh Taylor, of Colorado, to be receiver of public moneys at Denver, Colo., to take effect February 27, 1909, at expiration of his present term. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from February 3, 1909.

John Young Brown, of Missouri;
Augustus Caillé, of New York; and
John Campbell Morfit, of Missouri.

PROMOTION IN THE NAVY.

Maj. William C. Dawson, assistant paymaster, United States Marine Corps, to be a lieutenant-colonel, assistant paymaster, in the Marine Corps, from the 31st day of January, 1909, vice Lieut. Col. George Richards, assistant paymaster, promoted.

POSTMASTERS.

ARKANSAS.

James W. Willoughby to be postmaster at McGehee, Ark. Office became presidential April 1, 1907.

CALIFORNIA.

Horace E. Allatt to be postmaster at Imperial, Cal., in place of Horace E. Allatt. Incumbent's commission expired January 9, 1909.

CONNECTICUT.

Samuel H. Kellogg to be postmaster at Colchester, Conn., in place of Frederick A. Smith. Incumbent's commission expired January 30, 1909.

GEORGIA.

Siegfried Schwarzweiss to be postmaster at Waynesboro, Ga., in place of Thomas Quinney. Incumbent's commission expired January 30, 1909.

INDIANA.

Solomon C. Dickey to be postmaster at Winona Lake, Ind., in place of Solomon C. Dickey. Incumbent's commission expired December 12, 1908.

IOWA.

J. M. Crosson to be postmaster at Eddyville, Iowa, in place of William W. De Long, resigned.

LOUISIANA.

Lavinia Insley to be postmaster at Delhi, La., in place of Lavinia Insley. Incumbent's commission expires February 23, 1909.

Charles Moritz to be postmaster at Vidalia, La. Office became presidential January 1, 1909.

Jacob Plonsky to be postmaster at Washington, La., in place of Jacob Plonsky. Incumbent's commission expired January 31, 1909.

MINNESOTA.

J. B. Pallansch to be postmaster at Albany, Minn. Office became Presidential January 1, 1908.

MISSISSIPPI.

Jennie D. Ligon to be postmaster at Gloster, Miss., in place of Jennie D. Ligon. Incumbent's commission expired February 1, 1909.

MISSOURI.

Alansan H. Dent to be postmaster at Osceola, Mo., in place of Alansan H. Dent. Incumbent's commission expired January 20, 1909.

MONTANA.

George W. Crane to be postmaster at Fort Benton, Mont., in place of George W. Crane. Incumbent's commission expired February 3, 1909.

NEBRASKA.

Albert W. Searl to be postmaster at Elwood, Nebr. Office became presidential January 1, 1909.

NEW MEXICO.

George M. Chandler to be postmaster at Cimarron, N. Mex. Office became presidential January 1, 1909.

NORTH DAKOTA.

Charles Lano to be postmaster at Mohall, N. Dak., in place of Charles Lano. Incumbent's commission expired February 3, 1909.

OKLAHOMA.

William N. Walker to be postmaster at Stillwater, Okla., in place of Charles F. Neerman. Incumbent's commission expired December 20, 1906.

PENNSYLVANIA.

Edward M. Frye to be postmaster at Monessen, Pa., in place of Edward M. Frye. Incumbent's commission expired February 3, 1909.

David D. Park to be postmaster at Lapark, Pa., in place of David D. Park. Incumbent's commission expired April 19, 1908.

William C. Smith to be postmaster at Dunbar, Pa., in place of William C. Smith. Incumbent's commission expires March 1, 1909.

Walter L. Stevenson to be postmaster at West Newton, Pa., in place of Walter L. Stevenson. Incumbent's commission expired February 3, 1909.

SOUTH DAKOTA.

Lenore Green to be postmaster at Kadoka, S. Dak. Office became presidential January 1, 1909.

Philip Schamber to be postmaster at Eureka, S. Dak., in place of Philip Schamber. Incumbent's commission expires March 3, 1909.

TENNESSEE.

M. G. Cox to be postmaster at Greenfield, Tenn., in place of Stephen Farmer. Incumbent's commission expired June 27, 1906.

Charles Shelley Wortham to be postmaster at Tullahoma, Tenn., in place of Abe L. Davidson, resigned.

TEXAS.

Louise A. Ackerman to be postmaster at Mabank, Tex. Office became presidential January 1, 1909.

E. P. Flanagan to be postmaster at Henderson, Tex., in place of E. P. Flanagan. Incumbent's commission expired November 17, 1907.

John N. Johnson to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expires February 13, 1909.

Alva P. Langston to be postmaster at Blooming Grove, Tex. Office became presidential January 1, 1909.

Andrew G. Mitchell to be postmaster at Higgins, Tex. Office became presidential January 1, 1908.

William Reese to be postmaster at Floresville, Tex., in place of William Reese. Incumbent's commission expired March 2, 1908.

William L. Rogers to be postmaster at Conroe, Tex., in place of William L. Rogers. Incumbent's commission expires February 9, 1909.

William S. Strain to be postmaster at Lancaster, Tex., in place of William S. Strain. Incumbent's commission expires February 23, 1909.

VIRGINIA.

F. W. Rose to be postmaster at Franklin, Va., in place of Ernest A. de Bordenave. Incumbent's commission expires March 1, 1909.

WASHINGTON.

James R. O'Ferrell to be postmaster at Orting, Wash. Office became presidential January 1, 1909.

WEST VIRGINIA.

William W. Hamilton to be postmaster at Bramwell, W. Va., in place of William W. Hamilton. Incumbent's commission expired January 30, 1909.

Zephaniah J. Martin to be postmaster at Amos, W. Va. Office became presidential January 1, 1909.

Sarah K. Rush to be postmaster at Newell, W. Va. Office became presidential January 1, 1909.

WISCONSIN.

Charles F. Fine to be postmaster at Hillsboro, Wis., in place of Charles F. Fine. Incumbent's commission expired January 9, 1909.

Frank O. Perry to be postmaster at Shawano, Wis., in place of David B. Gorham, deceased.

Frank J. Wiley to be postmaster at Hancock, Wis. Office became presidential January 1, 1909.

CONFIRMATION.

Executive nomination confirmed by the Senate February 5, 1909.

RECEIVER OF PUBLIC MONEYS.

Douglas W. March, of Pierre, S. Dak., to be receiver of public moneys at Pierre, S. Dak.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 5, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

H. C. LINN AND SAMUEL POWELL.

The SPEAKER. Under the special order for to-day the Clerk will read the first bill on the Private Calendar.

The Clerk read as follows:

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

Mr. MANN. Mr. Speaker, in order to save time, I shall object to that bill.

The SPEAKER. The gentleman from Illinois objects to the consideration of the bill. The Clerk will call the next bill.

BOARD OF EDUCATION, HARPERS FERRY SCHOOL DISTRICT, WEST VIRGINIA.

The Clerk read as follows:

A bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. BARTLETT of Georgia. Mr. Speaker, I would like to have the attention of my friend. If certain kind of bills in certain localities are to be objected to and other bills for other localities not objected to, we would like to know it.

The SPEAKER. Is there objection?
Mr. MACON. I reserve the right to object.
Mr. BARTLETT of Georgia. I object.

STATE OF PENNSYLVANIA.

The SPEAKER. The Clerk will call the next bill.
The Clerk read as follows:
A bill (H. R. 13476) for the relief of the State of Pennsylvania.
The Clerk read the bill at length.
Mr. MANN. I object.
The SPEAKER. The gentleman from Illinois objects.
Mr. WANGER. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WANGER. Is it not in order, notwithstanding the objection made, to move that the House now go into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13476? The House was led to believe that that was the case at the time this order was adopted.
The SPEAKER. Under the special order, the Chair believes that the motion to go into Committee of the Whole House for the purpose of considering a particular bill would not be in order, but a motion to go into the Committee of the Whole House for the consideration of bills on the Private Calendar in order this day under the rule, without regard to the special order, it seems to the Chair would be in order.
Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. CLARK of Missouri. Has this bill any business on the Private Calendar?
The SPEAKER. The Chair has not examined it to see. [After examination.] This being for the relief of a State, under the practice, in the opinion of the Chair, it should receive its consideration in the Committee of the Whole House on the state of the Union, and on suggestion, the attention of the Chair being called to it, under the practice the Chair will order the transfer from the Private Calendar to the calendar of the Whole House on the state of the Union.
Mr. MACON. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. MACON. Does the Chair hold that the right to object can not be reserved, that objection must be immediately made when the bill is presented to the House?
The SPEAKER. The Chair does not so hold. Of course any debate when a bill is called would be by unanimous consent, and under the practice the Chair, as one Member of the House, would not be called upon to object to something in the nature of an interchange of suggestions between Members. The whole proceeding, where objection is made, is by unanimous consent. The same practice that obtains when bills are submitted to the House for unanimous consent under this order, in the opinion of the Chair, ought to obtain, but so far there has been absolute objection.
Mr. SHERMAN. Mr. Speaker, if the Speaker will permit me just a moment, the order provides that it shall be in order in the House as in the Committee of the Whole House to consider all bills on the Private Calendar to the consideration of which no objection is made. Now, must not objection be made to consideration immediately, and as objection is not made then, consideration having begun, objection could not after consideration had been begun be made to further consideration?
The SPEAKER. Of course, an absolute objection would be fatal to the consideration of the bill; but under the practice of the House, in the opinion of the Chair, by unanimous consent, the Chair being a Member of the House, and having the right to object as a Member, he could object, but by unanimous consent there could be a proceeding in the nature of debate to see whether or not a suggestion might not remove the objection if the gentleman withholds it temporarily.
Mr. SHERMAN. Oh, that is all right; but if consideration is really entered upon, then I think one can not object.
The SPEAKER. The Clerk will report the next bill.

MATE WILLIAM JENNEY.

The Clerk reported the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. 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.
Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent that this bill may lie on the table. A recent ruling of the department has given all that can be given under the bill, and hence there is no necessity for its passage.
The SPEAKER. Is there objection to the request of the gentleman from Oregon that the bill do lie on the table? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

JOHN T. BROWN.

The Clerk reported the bill (H. R. 1416) for the relief of John T. Brown.
The SPEAKER. Is there objection to the consideration of the bill?
Mr. MACON. Mr. Speaker, I object.
The SPEAKER. The gentleman from Arkansas objects.

SAMUEL SCHIFFER.

The next business was the bill (H. R. 3351) for the relief of the legal representatives of Samuel Schiffer.
The SPEAKER. Is there objection to the consideration of this bill?
Mr. MADDEN. I object.
Mr. HACKNEY. I object.

JOHN H. HAMITER.

The next business was the bill (S. 4024) for the relief of John H. Hamiter.
The Clerk read the bill, as follows:
Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Hamiter, of Lafayette County, Ark., the sum of $3,590.47, the proceeds of the sale of 53 bales of cotton sold by the Government in 1865 and placed in the Treasury of the United States.
The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.
Mr. WALLACE. Mr. Speaker, I suggest the death of the beneficiary and offer the following amendment, which I send to the desk and ask to have read.
The Clerk read as follows:
Amend by inserting in line 4, after the word "to," the following: "Allen H. Hamiter, administrator of the estate of;" and after the name "John H. Hamiter," in line 1, the word "deceased," so as to read:
"Pay to Allen H. Hamiter, administrator of the estate of John H. Hamiter, deceased, of Lafayette County."
The SPEAKER. The question is on agreeing to the amendment.
The question was taken, and the amendment was agreed to.
The SPEAKER. The question now is on the third reading of the Senate bill as amended.
The bill was ordered to be read a third time, read the third time, and passed.
The SPEAKER. Without objection, the title will be amended.
There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:
S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907.
S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909;
S. 7374. An act to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon; and
S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.
The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:
H. R. 6252. An act to promote the administration of justice in the navy.
The message also announced that the Senate had passed without amendment bill of the following title:
H. R. 27051. An act authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the State of Iowa.
The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4535) entitled "An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States."
The message also announced that the Senate had passed the following resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 84.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California.

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

SENATE RESOLUTIONS REFERRED.

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

Senate concurrent resolution 80.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of the harbor at Lexington, Sanilac County, Mich., with a view to deepening the same to a depth of 20 feet, and to submit a plan and estimate for such improvement—

to the Committee on Rivers and Harbors.

Senate concurrent resolution 84.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made and an estimate submitted of the cost of constructing a ship canal, suitable to meet the demands of commerce, from the most available southerly point of Humboldt Bay to Eel River, in the State of California—

to the Committee on Rivers and Harbors.

RICHMOND LIGHT INFANTRY BLUES.

The next business on the Private Calendar was the bill (H. R. 8661) for the relief of the Richmond Light Infantry Blues, of Virginia.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Richmond Light Infantry Blues, of the State of Virginia, out of any money in the Treasury not otherwise appropriated, the value of any clothing or other quartermaster supplies belonging to it which may have been taken by the members thereof into the service of the United States in 1898, for service during the war with Spain, worn out, or lost, or destroyed therein through no fault of their own, not to exceed the sum of $3,300.

The committee amendment was read, as follows:

Strike out, commencing in line 6, after the word "appropriated," the following:

"The value of any clothing or other quartermaster supplies belonging to it which may have been taken by the members thereof into the service of the United States in 1898, for service during the war with Spain, worn out, or lost, or destroyed therein through no fault of their own, not to exceed the sum of $3,300"

and insert in lieu thereof—

"the sum of $1,788.48 in full settlement for their claim for clothing and other quartermaster's supplies which were taken by the members thereof into the service of the United States in 1898, during the war with Spain, and worn out, or lost, or destroyed therein through no fault of their own."

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

The amendment was agreed to.

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

P. H. M'DONOUGH.

The next business on the Private Calendar was the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Patrick Henry McDonough, of Bardstown, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $250, in full payment of the claim of said McDonough against the United States for horses taken from him by the military forces of the United States and converted to their own use during the war of the rebellion.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to make an inquiry.

Mr. CLAYTON. Mr. Speaker, I will answer the gentleman. I wrote the report and I will be pleased to answer any questions he may ask.

Mr. MACON. My inquiry is this: I notice all the claims with which I have anything to do connected with property taken by federal soldiers during the civil war have been forced to go on what is known as the "omnibus" war-claims bill. This seems to have been a loss of horses which occurred during the civil war. Now, I would like for the gentleman to tell me the difference or distinction between this class of losses and the class that we put on the omnibus claims bill.

Mr. CLAYTON. The complaint that the gentleman makes is, I think, well founded. I might say, to the gentleman's satisfaction, that I have met with that same fate. This House has passed bills for the payment of claims, some of them similar to this claim. Those claims have in a number of instances gone to the Senate, and I know that I have industriously tried in another place to get action on another matter similar to the case the gentleman mentions, but have been unsuccessful. I know, furthermore, that bills similar to this have gone into another bill sometimes called the "omnibus" bill, and they have not passed, as the gentleman says; and I am hoping, I might say reverently, Mr. Speaker, on account of the multitude of letters which I get complaining of nonaction elsewhere on meritorious claims—I am not only hoping but I am praying for the passage of an omnibus bill at some early day. But, Mr. Speaker, the fact that the gentleman can lodge a just complaint against nonaction on another claim, I submit to his candor, his judgment, and to his sense of equity and fairness, is no reason why this claim should be defeated. [Applause.]

Mr. MACON. One question just there. Does the gentleman not think that the passage of individual bills of this character will hinder the progress of the omnibus claims bill?

Mr. CLAYTON. I do not, frankly I say to the gentleman—in my opinion, in no way. And I will say further this is not in any omnibus bill, so far as I know. I am as greatly interested in the passage of the omnibus bill as the gentleman is and my people are, and I hope that it will be passed, but whether it passes or not, we certainly ought to pass this meritorious measure.

Mr. MACON. My policy is to treat all alike, and of course I will not object if it does not prejudice the omnibus bill.

Mr. CLAYTON. And a manifestly just and correct policy.

Mr. MACON. Then I withdraw the objection.

Mr. REEDER. Mr. Speaker, reserving the right to object to ask a question, I want to ask if this bill has the unanimous approval of the committee?

Mr. CLAYTON. It has the unanimous report from the committee, and it is for the purchase money of two good Kentucky horses at $125 each, and their pedigrees were worth that much.

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

Mr. MANN. Mr. Speaker, this bill is a very good illustration of the necessity at times of giving careful consideration to a proposition. I did not object to the consideration of the bill. It only provides for the payment of $250 to a man for two horses taken in the war of the rebellion.

But it is put upon the ground that the man could not be accused of disloyalty because he was weak-minded. The man probably was weak-minded. Then the committee produced two affidavits, one of the man, that his horses were worth $250, and one of his committee, who had charge of him for fifty years because the man was weak-minded, that the horses were only worth $200. And yet the committee, finding that the man could not be accused of disloyalty because he was an idiot, accept the judgment of the idiot as against the judgment of his committee. [Laughter.]

Mr. CLAYTON. Now, Mr. Speaker, the last statement of the gentleman made us all laugh. It was in pleasantry, and the gentleman sometimes indulges in pleasantry to the delight of the House, and sometimes in a whole lot of good, solid, serious argument. I want to say to the gentleman that he will not find any such statement as that which he has made as being the conclusion of the committee that reported this bill. One of the affidavits in the case made that statement, but the War Claims Committee nowhere said that. Hence I challenge the statement of the gentleman that the committee had reached any such conclusion in the report.

Mr. MANN. Mr. Speaker, it may be true, although it is not disclosed in the report, that the distinguished committee themselves were acquainted with the value of these horses taken more than forty years ago. It may be true that they were on the ground, but they do not disclose it in the report. The report shows that there are two affidavits as to the value of these horses, one made by the beneficiary of the bill, who is admitted to be a weak-minded person, and the other made by his committee, having charge of him.

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. OLLIE M. JAMES. I would suggest to the gentleman from Illinois that the committee perhaps went upon the idea that even a weak-minded man ought to know that two Kentucky horses were worth $250. [Laughter.]

Mr. CLAYTON. And the gentleman from Illinois [Mr. MANN] ought to know that.

Mr. MANN. It so happens that both the gentlemen are Kentuckians—the feeble-minded man and his committee. The feeble-minded man says that the horses were reasonably of the market value of $125 each. Then the man in charge of the feeble-minded man, after giving the reason that the man could not be disloyal because he was weak-minded, says that the horses were each of the reasonable market value of $100. Now, Mr.

Speaker, if it were putting the judgment of a Kentuckian against the judgment of a man outside of Kentucky on the value of the horses, I should accept the judgment of the Kentuckian; but both of these gentlemen are Kentuckians. Both are well acquainted with the value of horses, and the committee assumes that a weak-minded Kentuckian knows more about the value of horses than a man of brains in Kentucky. [Laughter.]

Mr. CLAYTON. Mr. Speaker, I desire to make one remark. It would be perfectly proper, if the gentleman from Illinois [Mr. MANN] saw fit so to do, for him to offer an amendment to reduce this amount to $200. But he has not offered any such amendment, so that the House is confronted with this proposition: Shall you pay an admittedly just and proper claim? That the claim is just and proper and ought to be paid the gentleman from Illinois [Mr. MANN] himself does not deny.

Mr. MANN. Of course I did not object to the consideration of the bill.

Mr. CLAYTON. As I understand, the gentleman finds no fault——

Mr. MANN. I have had $50 worth of fun out of it myself. [Laughter.]

Mr. CLAYTON. Then, Mr. Speaker, I have had $50 worth of satisfaction in having the gentleman from that great timbered section of our country, namely, Chicago, as our friend from California said yesterday—I have had a whole lot of satisfaction in knowing that he knows absolutely nothing of the value of Kentucky horses.

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

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

HARPERS FERRY SCHOOL DISTRICT, WEST VIRGINIA.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to withdraw the objection I made to the second bill on the calendar, and ask unanimous consent that we may return to the same.

The SPEAKER. The gentleman from Georgia asks unanimous consent to return to the second bill on the calendar, and desires to withdraw his objection to the consideration of the bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 8959) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the board of education of the Harpers Ferry school district, the sum of $3,500, or so much thereof as may be found due and unpaid the said board of education for school buildings used and material taken therefrom by the United States Army during the war of 1861 to 1865 for its use and benefit.

Also the following committee amendment:

In lines 6 and 7 strike out "$3,500" and insert in lieu thereof "$2,121.72."

The SPEAKER. Is there objection?

Mr. MACON. Reserving the right to object, Mr. Speaker, I want to offer the same observation that I did a moment ago about this bill. This seems to be a war-claim bill, and for a schoolhouse that was used by the federal forces in the State of West Virginia.

We have churches in our State that were used by the Union forces during the war, and we have been trying very hard for a good many years to secure proper pay therefor, and we are compelled to put all those claims upon the omnibus war-claims bill. Now, I would like to ask the gentleman, the chairman of the Committee on Claims, why there is this difference in the action taken concerning school property and church property?

Mr. MILLER. I will state to the gentleman that this is not a bill coming from the Committee on Claims, but from the Committee on War Claims.

Mr. MACON. I would like to ask the chairman of the Committee on War Claims why this difference is made between these two kinds of property?

The SPEAKER. Will the gentleman from Vermont give attention to the gentleman from Arkansas, who desires to ask him a question?

Mr. MACON. I notice that this bill provides for the payment for the use and occupation of school property in the State of West Virginia by the Union Army during the war. Now, I want to know why that was done, and why the committee will not allow claims for the use of church property to be paid without their being required to go on the omnibus claims bill.

Mr. HASKINS. I yield to the gentleman from Iowa.

Mr. HAUGEN. Every claim has to stand on its own merits. These schools were seized and used and occupied for the use of the army. The material of the school buildings was used afterwards in building roads, and therefore the bill very properly comes before this committee. It has received most careful consideration, and the committee unanimously reports the bill.

Mr. MACON. But the gentleman does not seem to understand the inquiry I am making. I want to know why it is that a bill of this kind, proper enough in itself, perhaps, should be considered in this way, while all bills for payment for use and occupation of churches have to go on the omnibus bill.

Mr. HAUGEN. The claims that are carried in the omnibus bill are claims which have gone to the Court of Claims for findings.

Mr. MACON. Was this bill referred to the Court of Claims?

Mr. HAUGEN. It has been before the Court of Claims.

Mr. MACON. What I want to find out is why this claim is not on the omnibus war claims bill, as the other war claims are.

Mr. STURGISS. Will the gentleman permit me? I am familiar with the case.

Mr. MACON. Information is what I want to get.

Mr. STURGISS. This is a peculiar case. This is a bill for the reimbursement of the board of education of Harpers Ferry district, in West Virginia, for schoolhouses, three in number, that were taken possession of, used, and occupied by the federal troops for two years. The buildings, having been so used, were taken down and part of them used in putting up bake ovens and winter quarters for the troops. Then the brick remaining were sold and the money turned into the Federal Treasury. The Government of the United States got the benefit of it in every way, shape, and form. Harpers Ferry was overrun with troops on one or the other side for three or four years.

Mr. MACON. If the gentleman will permit me, what I am endeavoring to find out is why there is a distinction made in the treatment of these bills. Now, in the city that I happen to live in, Helena, Ark., we have two churches that were used and partially destroyed during the war by federal soldiers. We have been trying to get an appropriation for the use, occupation, and destruction of this church property for many years, and although these claims are now upon the omnibus war claims bill, it has not been passed, and possibly never will be. Now, why is this difference made as to these cases?

Mr. FOSTER of Vermont. This was passed by the committee after the other bill had gone to the Senate.

Mr. MACON. After the explanation given by the gentleman from Vermont, which is just the information that I have been seeking, I withdraw my objection.

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

LAPENE & FERRE.

The next business on the Private Calendar was the bill (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre.

Mr. MACON. Reserving the right to object——

Mr. MANN. I object. I do not think we ought by unanimous consent to overrule the Supreme Court of the United States.

The SPEAKER. The gentleman from Illinois objects.

STEWART & CO. AND A. P. H. STEWART.

The next business on the Private Calendar was the bill (S. 3843) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of Internal Revenue, with the approval of the Secretary of the Treasury, be, and he is hereby, authorized and directed to audit and adjust the claims of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected on government cotton between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statute of limitation to the contrary notwithstanding, sections 989, 3226, 3227, and 3228 of the Revised Statutes of the United States are hereby made applicable and available with the same force and effect as if protest and demand for payment had been made within the time prescribed by said sections, and the amount not exceeding $11,208.04, when ascertained as aforesaid, and not heretofore refunded, shall be paid to legal representatives of A. P. H. Stewart and Charles A. Weed, out of the permanent annual appropriation provided for similar claims allowed within the present fiscal year.

Mr. MANN. Mr. Speaker, I reserve the right to object, if I may, for the purpose of asking a question. There was at one time a bill like this providing for the adjustment of claims of Stewart & Co., of Weed, Witters & Co., and A. P. H. Stewart. The department reported against the Weed claim, and that went out of the bill in the Senate. It is stated in this report that this is a copy of that bill as reported. Now, we have got to-day in that the claim of Stewart, striking out the claim of Weed & Co.; but you provide that the money shall be paid to the legal representatives of Stewart and Charles A. Weed. There can not be the same legal representatives of Stewart and Weed, and if the gentleman is informed all right, I will

be glad to hear it. I do not object to one claimant if it was proper to pay one-half of it to that company.

Mr. HOLLIDAY. Mr. Speaker, this is a Senate bill. Of course our committee did not know, and had no means of knowing, the motives that influenced the Senators in striking out Weed, Witters & Co., but we assume that was done because they were not proper parties. This bill has been recommended by the Commissioner of Internal Revenue and by the Secretary of the Treasury.

Mr. MANN. I beg the gentleman's pardon in reference to that. This bill has never been before the department.

Mr. HOLLIDAY. This claim has been recommended.

Mr. MANN. This claim, with a number of others, went before the department, and was reported upon in 1896. The department reported in favor of the claim of Stewart and against the claim of Weed, and undoubtedly the Senate endeavored to correct the bill by striking out the claim of Weed, but did not change it in the appropriating part of the bill, because it provides that when ascertained the money shall be paid—the gentleman will find it on line 9, page 2—to the legal representatives of Stewart and Charles A. Weed. I suggest to the gentleman that instead of taking the chance of enacting into law a provision paying a claim to another man's representatives, we strike out the words "and Charles A. Weed," so that the gentleman will have an opportunity to ascertain.

Mr. MACON. I want to ask the gentleman a question.

Mr. HOLLIDAY. I have not examined into the reasons for making the change in the Senate bill, but the report to the Senate shows that this amount of money was actually overpaid; that the Government had no right to collect it, and the Senate report, which was adopted by the House committee, says:

Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the first-named claim on the case of The United States *v.* Harrison Johnson, decided by the United States Supreme Court at its October term, 1887.

Mr. HASKINS. The act of Congress of 1864 provided that all cotton sold by or on account of the Government of the United States shall be free and exempt from duty at the time of the sale thereof.

Mr. MANN. I think the gentleman from Vermont did not get my point. I was not discussing the merits of the bill. In my judgment, the bill is meritorious. The original bill in the last Congress provided for the payment of certain claims to Stewart, and also to Weed & Co. The department reported against the payment of the claim to Weed & Co. Thereupon the Senate apparently attempted to amend the bill, and the present bill only authorizes the adjustment of the claims of Stewart; but when those claims are adjusted it provides that they shall be paid, one-half of them to the representatives of Weed.

Mr. BUTLER. Mr. Speaker, I move that this bill be passed without prejudice, so that the question asked by the gentleman from Illinois [Mr. MANN] may be answered, and we may return to it. Will the gentleman have any objection to that?

Mr. MANN. Oh, no.

Mr. MACON. I want to ask the gentleman a question.

Mr. BUTLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. In order that the question asked by the gentleman from Illinois [Mr. MANN] may be answered later, I will ask that this bill be passed without prejudice, and that we may return to it later.

Mr. MACON. Before that request is granted I desire to ask the gentleman from Indiana [Mr. HOLLIDAY], who seems to be in charge of the bill, a question. I could not hear the bill distinctly when it was read, there was so much conversation going on, so many gentlemen who did not seem to want to hear it. I want to know if this does not provide for the removal of the bar of the statute of limitations as against this particular measure?

Mr. HOLLIDAY. I think that is about what it amounts to.

Mr. MACON. Then I shall have to object, unless there is a general bill that removes the bar of the statute of limitations against other claims that I have in mind.

Mr. MANN. All the war-claim bills remove the bar of the statute of limitations.

Mr. MACON. On the contrary, I will say to the gentleman from Illinois that we have some war claims that are barred, that will not even be given consideration, because they are barred by the statute.

Mr. MANN. They are all barred by the statute of limitations.

Mr. MACON. Unless a similar rule can be adopted as to all of them, I shall object to the removal of the bar in this case.

Mr. HOLLIDAY. This is not an ordinary war claim. Here was money paid into the Treasury, which the Treasurer says he had no right to collect, which was collected inadvertently and by mistake. If the claimant had applied in the proper way for it before the statute ran, he could have collected it from the department, but he undertook to get it by a letter and did not follow the proper method.

Mr. MACON. That was his fault.

Mr. HOLLIDAY. It was his misfortune.

Mr. MACON. The unfortunates in the South who lost their cotton and other property during the war did the very same thing. They allowed the statute to bar them before they proceeded.

Mr. HOLLIDAY. There is no question on earth that the Government owes them this money.

Mr. MANN. Let me ask the gentleman from Arkansas a question. There are on the calendar a number of resolutions referring bills containing war claims to the Court of Claims. Does the gentleman understand that the passage of these resolutions waives, in effect, the bar of the statute of limitations?

Mr. MACON. In reply to the gentleman, I will say that we have had that resolution on the calendar for twelve months, and we have not been able to pass it and have the claims in it referred to the Court of Claims, and there seems to be no prospect of having it referred during this session, and I object.

Mr. MANN. There are a large number of these resolutions on the calendar, and I wished to ascertain, if I could, whether the gentleman understood that this resolution, in effect, practically waives the statute bar of limitations?

Mr. MACON. We can not get congressional action on them.

Mr. MANN. If the gentleman himself did not take that attitude, they would be passed. If the gentleman takes the attitude that no bill shall be passed waiving the statute of limitations, to be consistent—and he is not only able but consistent—he would have to object to the consideration of these resolutions, because they, in effect, waive the bar of the statute of limitations.

Mr. MACON. I will object to the request of the gentleman from Pennsylvania until I see whether or not we do pass any war claims where the statute of limitations is not waived.

The SPEAKER. Is there objection to the request that the bill be passed without prejudice?

Mr. MANN. That request is withdrawn.

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

Mr. MACON. I object.

NAPOLEON B. GIDDINGS.

The next business on the Private Calendar was the bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings.

The Clerk read the bill at length.

Mr. MACON. Mr. Speaker, I object.

PHOEBE CLARK.

The next business on the Private Calendar was the bill (H. R. 11632) for the relief of Phoebe Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phoebe Clark, of Helena, Lewis and Clark County, in the State of Montana, the sum of $116, for a typewriter and necessary repairs thereon, which said typewriter was furnished and used by her as transcribing clerk in the office of the United States surveyor-general of the State of Montana, exclusively for government work, and which said typewriter, and the repairs thereon, were necessary for a proper performance of her duty as such transcribing clerk.

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

There was no objection.

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

WILLIAM MITCHELL.

The next business on the Private Calendar was the bill (H. R. 1536) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, from the 25th day of August, 1863, up to his death, which occurred the 18th day of September, 1863.

The SPEAKER. Is there objection?

There was no objection.

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

O. MAURY & CO.

The next business on the Private Calendar was the bill (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. Renard, agent of O. Maury & Co., of Bordeaux, France, in full reimbursement of losses sustained by them by reason of the erroneous detention and subsequent destruction by the Bureau of Chemistry of the Department of Agriculture of three casks of wine imported into the United States by said firm, which payment is recommended by said department, the sum of $238.15, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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

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

JEROME E. MORSE.

The next business on the Private Calendar was the bill (H. R. 4151) for the relief of Lieut. Commander Jerome E. Morse, U. S. Navy, retired.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 2, 1909:

H. R. 4166. An act to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States; and

H. R. 12899. An act to provide for a disbursing officer for the Government Hospital for the Insane.

On February 3, 1909:

H. R. 16191. An act to refund certain moneys paid into the Treasury of the United States through mistake by Augustus Bannigan;

H. R. 18744. An act for the relief of the estate of Mark S. Gorrill;

H. R. 26920. An act to repeal section 12 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and to provide for the location and erection of a substation on the parking at the corner formed by the intersection of the east side of Seventh street and the south side of C street SW., in the city of Washington, D. C., by the Philadelphia, Baltimore and Washington Railroad Company, and to provide for the approval of the same by the Commissioners of the District of Columbia; and

H. R. 26709. An act to amend an act to provide for the reorganization of the consular service of the United States.

On February 4, 1909:

H. R. 5461. An act for the relief of Lawson M. Fuller, major, Ordnance Department, U. S. Army;

H. R. 6145. An act to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government;

H. R. 22884. An act to impose a tax upon alcoholic compounds coming from Porto Rico, and for other purposes;

H. R. 24151. An act to authorize the Secretary of War to donate two condemned brass or bronze cannon or fieldpieces and cannon balls to the county court of Marshall County, W. Va.;

H. R. 24492. An act to authorize the Secretary of War to donate one condemned bronze fieldpiece and cannon balls to the county of Orange, State of New York;

H. R. 26073. An act to legalize a bridge across Indian River North, in the State of Florida;

H. R. 26606. An act to authorize the Lewis Bridge Company to construct a bridge across the Missouri River;

On February 4, 1909:

H. R. 4836. An act granting to the Norfolk County Water Company the right to lay and maintain a water main through the military reservation on Willoughby Spit, Norfolk County, Va.;

H. R. 4931. An act to correct the military record of Corwin M. Holt; and

H. R. 17572. An act for the relief of George M. Voorhees.

On February 5, 1909:

H. R. 6032. An act to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903.

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. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907—to the Committee on the District of Columbia.

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909—to the Committee on Military Affairs.

S. 7374. An act to provide for the purchase of a site and the erection of a public building thereon at Astoria, in the State of Oregon—to the Committee on Public Buildings and Grounds.

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.—to the Committee on the Public Lands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26399) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4535. An act to amend section 714 of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

JOHN M. HILL.

The next business on the Private Calendar was the bill (H. R. 18600) for the relief of John M. Hill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Hill, late register of the United States land office at Walla Walla, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $750, the amount paid by him out of his own funds for clerk hire during his term of office as such register prior to the appointment of a clerk in said office from an eligible list furnished by the Civil Service Commission of the United States.

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

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

ELLIS W. JOY.

The next bill on the Private Calendar was the bill (H. R. 14290) for the relief of Ellis W. Joy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Ellis W. Joy, of Andrew County, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $300, being the sum unlawfully collected from him by the board of enrollment in the State of Ohio, namely, $300, to furnish a substitute when drafted for service in the army, he not being a citizen of Ohio at the time and serving as a soldier with the Missouri troops.

The SPEAKER. Is there objection?

There was no objection.

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

MILLE LAC BAND, CHIPPEWA INDIANS.

The next business was the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to have somebody explain the bill, and I ask that it may be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AUTHORIZING CREDIT IN ACCOUNTS OF UNITED STATES TREASURER.

The next business was the bill (S. 4049) authorizing a credit in certain accounts of the Treasurer of the United States.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how this shortage occurred, what the shortage is, and when it occurred.

Mr. MILLER. Mr. Speaker, I will answer the gentleman by calling his attention to the report of the Secretary of the Treasury. He said:

The relief sought in this case is authority to remove from the accounts of the Treasurer of the United States an item carried therein as "unavailable funds, office assistant treasurer of the United States, Boston," a shortage of $3,000 in the amount of money belonging to the United States while in the custody of assistant treasurer of the United States at Boston, Mass., who is responsible for the safe-keeping thereof under his official bond.

The man who stole the money was arrested and tried twice.

Mr. MACON. Was he acquitted or convicted?

Mr. MANN. He was acquitted.

Mr. MILLER. The assistant treasurer was in no way to blame, and we thought it would be a very great hardship to hold him responsible for a loss with which he had nothing to do, and for which he ought not to be held responsible.

Mr. MACON. The department holds the man responsible that the jury said was not responsible by its verdict of not guilty?

Mr. MILLER. Yes.

Mr. MACON. Does the gentleman think that the department is in any better position to say whether the man that was acquitted was guilty than the jury had to say that he was innocent?

Mr. MILLER. There was no question about the guilt of the man.

Mr. MACON. Just one of those cases where the jury turned a guilty man loose?

Mr. MILLER. That is it.

Mr. CLARK of Missouri. What is this claim about?

Mr. MILLER. I will yield to the gentleman from Massachusetts [Mr. TIRRELL], who is the author of the bill.

Mr. MANN. Three thousand dollars was stolen from the subtreasury at Boston.

Mr. MILLER. Yes; and the man who stole the money was arrested and tried. The treasurer is asking for relief on the ground that he was in no way to blame for the loss, and the Secretary of the Treasury says that he ought to be given relief.

Mr. CLARK of Missouri. I would like very much to ask what these people give bonds for if they are not to be held to account for the money lost?

Mr. MILLER. They give bonds for the safe-keeping of the money. That is what they give the bonds for, and if there is any negligence whatever on the part of the assistant treasurer or anyone bonded to the Government, I think he ought to be held strictly to his bond, but where there is no fault or negligence on the part of the office and he could not help the loss, I do not think he ought to bear the loss, but the Government of the United States ought to bear the loss.

Mr. CLARK of Missouri. Did they ever find the man who stole the money?

Mr. MILLER. Yes; they found him and tried him.

Mr. CLARK of Missouri. What did they do with him?

Mr. MILLER. If the gentleman will permit——

Mr. CLARK of Missouri. Wait a minute. What became of the man that they arrested?

Mr. MILLER. He was arrested and tried and found not guilty.

Mr. CLARK of Missouri. Well, I object.

Mr. TIRRELL. Mr. Speaker, will the gentleman not reserve his objection for a moment? This is my bill and I would like to explain the facts to the gentleman from Missouri.

Mr. CLARK of Missouri. Very well. The gentleman will have a tough time explaining why he ought to have that money.

Mr. TIRRELL. There were two persons only who could have been guilty of any theft from the United States in connection with this matter. One was a Mr. Vasser and the other was a Mr. Hastings. This embezzlement was discovered in a package of money which was forwarded from the subtreasury in Boston to Washington. The package should have contained $105,000. Upon counting it it was found to contain $102,000, a shortage of $3,000. Thereupon the subtreasurer in Boston immediately went to work and by every possible means available ascertained all the facts connected with the same. Suspicion pointed entirely to a clerk named Hastings, and he was indicted in the United States court. He was tried, and the trial lasted some three weeks, as I remember. Every scintilla of evidence that could be produced was submitted to the jury, and the jury disagreed. Thereupon in the course of less than a year he was tried again, and thoroughly tried, and the subtreasurer did everything in his power to submit all the facts in the case in these trials to the jury, and the jury on the second trial acquitted Hastings. There was no other party in any way implicated or upon whom any suspicion could possibly rest in regard to this matter.

Mr. CLARK of Missouri. You said a while ago there were two men. What became of the other man?

Mr. TIRRELL. The other man who was supposed to be implicated at the time was exonerated by all concerned from any possibility or suspicion of being connected with the matter. There were two at first, and there were only two upon whom there could possibly be any implication.

Mr. CLARK of Missouri. Why did not they arrest both?

Mr. TIRRELL. Because they arrested the man against whom the evidence pointed.

Mr. CLARK of Missouri. They arrested the wrong man.

Mr. TIRRELL. No; there was but one man; there was nothing against the other man. Now, the subtreasurer went beyond what he was required to do and took a bond to protect him against this loss, and the gentleman from Missouri will well understand that they must show, in order to hold the surety company, as will appear by the report, wherein they set forth the bond—that there shall be proved that the loss arose from a fraudulent or dishonest act in order that the subtreasurer, Mr. Curtis, could recover under that bond, and this bond was in the usual form.

Mr. SHACKLEFORD. I would like to ask the gentleman a question.

Mr. TIRRELL. I yield.

Mr. SHACKLEFORD. There was a bond insuring the subtreasurer against loss by the misconduct of these men.

Mr. TIRRELL. Yes; let me read the bond to the gentleman——

Mr. SHACKLEFORD. Was any suit brought?

Mr. TIRRELL. Under the bond a suit would be useless. The conditions of the bond given were as follows:

"Now, therefore, if the said principal shall for the term beginning the —— day of ——— and ending on the —— day of ——— truly, faithfully, and accurately execute and discharge all of the acts and duties now or hereafter required of him by said assistant treasurer in said employment or by any and all laws and regulations concerning the business of said subtreasury, and shall further indemnify and hold harmless said Edwin U. Curtis and said United States of America from and against any and all loss which may arise from the fraudulent or dishonest acts of the said principal, then this obligation shall be void and of no effect; otherwise it shall be and remain in full force, virtue, and effect."

Now, they could not prove a fraudulent or dishonest act on the part of this man, and therefore Mr. Curtis could not recover on the bond.

Mr. SHACKLEFORD. Let me suggest to the gentleman that in criminal cases the law requires that you must prove the fact beyond every reasonable doubt, whereas in a civil case it would only be necessary to prove that there is a preponderance of evidence and, as the courts have held in a great many instances, that an acquittal in a criminal case is no bar to a civil action.

Mr. TIRRELL. I will say to the gentleman from Missouri that this question was submitted to the United States district attorney, and he rendered a written opinion upon that matter, in which he said:

In my judgment, and undoubtedly in the judgment of the district attorney's office, there has not been such a breach of the condition of the bond that a claim against the surety company could be maintained.

In other words, where can you find any neglect on the part of the subtreasurer at Boston? In endeavoring to find out the criminal who committed this offense and embezzled this money, he at once put his agents at work and gathered up all the possible evidence that could be gathered in connection with this case. There was only one man against whom there was any suspicion or any evidence whatever could be gathered anywhere, and he was indicted in the United States court. He was tried and acquitted, and he was then tried again. What more, I submit to the gentleman from Missouri, could the subtreasurer at Boston have done to protect the United States Government?

Mr. SHACKLEFORD. I cited the gentleman to the fact that suit could have been brought upon the bond for this shortage, and I think it could have been recovered; and, as I suggested a while ago, the courts have passed upon the fact that an acquittal in a criminal case is not a bar to a civil action, and, Mr. Speaker, I shall have to object.

The SPEAKER. Objection is heard.

HASTINGS STEAMBOAT COMPANY.

The next business on the Private Calendar was the bill (S. 4427) for the relief of the Hastings Steamboat Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hastings Steamboat Company, or its legal representatives, the sum of $286.35, as full compensation to said steamboat company for loss and damages sustained by it on account of the steamer Dauntless having her stem struck and split by the U. S. S. Cartwright in the waters of Puget Sound on October 12, 1904, while said Cartwright was being operated under the direction and control of the United States Government and said Dauntless was lying motionless at the dock.

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Kansas [Mr. MILLER] whether it is the policy of his committee, where an injury occurs by collision at sea or on the water, to allow for loss of time to the injured boat?

Mr. MILLER. Mr. Speaker, to be frank with the gentleman from Illinois, it has not been the practice of the committee, and we have never done anything of the kind heretofore. I am inclined to think, from looking over the report in this case, that we have allowed a small amount for the loss of time.

Mr. MANN. Of course, I care nothing about the amount in this case. It is but little. There is another case here on the calendar with a still smaller total amount also. But it makes quite a precedent.

Mr. MILLER. I agree with the gentleman.

Mr. MANN. And if it is not to be considered as a precedent, it will be quoted anyhow if the bill passes.

Mr. MILLER. There is no doubt about the meritorious character of the claim.

Mr. MANN. There is no doubt that the man whose boat was damaged should be paid the amount of damage to the boat. The question is whether he should charge twenty or thirty dollars for loss of time. In this particular case there is some doubt about the merits. The inspector who examined this said the injury to the boat was a fake.

Mr. MILLER. The Quartermaster-General says the claim is all right.

Mr. MANN. The Quartermaster-General says that two men examined the boat. One of them took the word of the owner of the boat without going any further, and he reported that the claim was all right. The other examined the injury, and he says that it bore absolute evidence that the boat was as old as years.

Mr. MILLER. We are not discussing the merits of the claim now. I am not in favor of allowing claims of that character, I will say frankly to the gentleman from Illinois.

The SPEAKER. Is there objection?

There was no objection.

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

DAVID W. STOCKSTILL.

The next business on the Private Calendar was the bill (H. R. 8982) for the relief of David W. Stockstill.

The bill was read in full.

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. HOLLIDAY. Mr. Speaker, reserving the right to object, I would like some explanation of the bill.

Mr. MANN. May I ask the gentleman if this bill was ever referred to the War Department or to the Auditor for the War Department?

Mr. MILLER. Mr. Speaker, I can not answer that question. There is nothing in the report to show that. It is the rule of the committee to send all bills to the proper department, and this ought to have gone there.

Mr. MANN. I object.

HENRY A. TOLBERT.

The next business on the Private Calendar was the bill (H. R. 7048) for the relief of Henry A. Tolbert.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, I would like to ask the gentleman to explain this bill.

Mr. MILLER. What does the gentleman want to know?

Mr. SABATH. What the claim is for; where the default was in the contract?

Mr. MILLER. In answer to the gentleman, I desire to say that this is a claim where a young man, for the first time in his life, thought he could make money out of taking a contract to erect some buildings for the Government of the United States. He bid on a certain contract. He had to enter into a bond of obligation to pay in case he failed to enter into a contract after the bid was accepted by the Government. After the bid was accepted by the Government, he went to look over the field and inquire what amount it would cost to do the work. He found that if he entered into the contract he would lose very largely on it. His father and a friend of his were on the bond, and demand was made upon them for the payment of it, because he failed to enter into the contract after he learned for the first time that he could not carry it out. The result was that his father had to pay the bond, some $3,000. The Government of the United States says that the amount which he bid upon the work was very much less than the work could be done for.

The contract was let to the next highest bidder, and he did the work. The difference between the two amounts was about $3,000, and that was the amount his father had to pay on his bond. Now, it is the accumulation of a lifetime of a man who served his country faithfully during the dark days of the civil war, and he is asking in his old age to be reimbursed the money that he has paid out. The Government recommends favorable action upon this case.

Mr. SIMS. Mr. Speaker, reserving the right to object, I find that when people take government contracts and lose something, they come to the Government to be made whole, but when they take contracts from the Government and make money on them they never come and offer to give any of the money back again.

Mr. MILLER. I desire to say to the gentleman from Tennessee that that is true in very many cases, and the result is they have never been able to get any claim of that kind reported from the Committee on Claims. This is a case where he had not entered into a contract. He simply made a bid, and after investigation of the whole field he found his bid was much too low. He found that it would be impossible to do the work without a heavy loss, and he asked to be relieved. But the Government held him strictly to the contract, as though entered upon, and his father had to pay the bond. I say that if the man had been an experienced man, a man who had had large experience in contracts with the Government, I would not stand here for a single moment and ask that he be relieved. But he had never had any experience. This was the first bid he had ever made, and until after he had made it he did not realize what he was doing. Afterwards his father had to pay the amount of the bond. If ever there was a meritorious claim before the committee I think this is one.

Mr. EDWARDS of Georgia. Was the Government damaged in any way?

Mr. MILLER. No. The Government itself says, through its officers, it was not damaged, and that the amount of the bid of the next bidder was a reasonable amount for the work done. I will read the language contained in the report:

> It is proper to state that the amount paid for construction of the buildings to the next lowest bidder is deemed reasonable, and it is quite certain that the amount submitted in the proposal of Harry W. Tolbert for their construction was less than the work could have been performed in accordance with the plans and specifications therefor. It is therefore the opinion of this office that there is a certain equity in the matter in favor of the claimant which may warrant Congress in a favorable consideration of the claim, and the approval of the accompanying bill when corrected as to the year "1902" instead of "1892" as written therein.

I want to call attention again to the statement made by the father:

> The Government has not been to a loss of this amount as the list of bids shows that the price paid by the department was not excessive and, with the exception of my son's, the bids were not far apart. My son is a poor working mechanic, without means, and I could not in justice allow my fellow-bondsman to lose anything, therefore the whole loss, if any, falls on me, and I am not able to stand a loss of this amount. It is the saving of a lifetime and was laid up for use in old age. If I have caused the Government any loss I am willing to pay. I am a veteran of the civil war and I think I am entitled to be dealt with leniently in this matter.

And the chairman of the committee and every member of the committee feel the same way about it.

Mr. SIMS. Mr. Speaker, I do not want to be in the way of a just claim——

Mr. MANN. If the gentleman will permit——

Mr. SIMS. I would like to permit.

Mr. MANN. Only to give my impression.

Mr. SIMS. I would like to have it.

Mr. MANN. This young fellow was as fresh as fresh could be, and as green as grass. He had a notion that he was a contractor, or would make a contractor out of himself. The Government advertised for bids. Without knowing anything of the subject, he undertook to make a bid, and put in a bid for apparently much less than the work could be done for. There he stopped; the bond, however, had gone in with his bid. When he found out something about the real thing, after making a foolish bid, he found that he could not do the work for it.

Mr. SIMS. Did not his father know before he signed that bid that he was undertaking a matter for which he might be liable?

Mr. MANN. Undoubtedly his father knew that. His father, like many fathers, had an exaggerated notion of the qualities of his son.

Mr. SIMS. Do you not think it would be a good idea for him to pay something for the good opinion?

Mr. MANN. He ought to pay something for that opinion; although I may say to the gentleman that those of us who have large families, if we should be required to pay that much in every case, it would be exceedingly expensive. [Laughter.]

Mr. SIMS. That father pays for his good opinion of his son. If we are going to say to every young man, "Bid on government contracts when you please, make your bonds, and the

House will release you if it is found that it is not profitable"——

Mr. MANN. I will say I think there is no danger of that. The gentleman knows that I am not very much in favor of paying claims of this sort, and know nothing about this claim except what I find in the record.

Mr. GAINES of Tennessee. Was there any loss in dollars to the Government?

Mr. MILLER. This other party performed the work, and there was no more loss than if the other bid had never been made.

Mr. SIMS. Is this the unanimous report from your committee?

Mr. MILLER. Yes.

Mr. GAINES of Tennessee. Well, the gentleman from Illinois stated that there was no actual loss in dollars and cents to the Government. Now, that, I take, is a fact.

Mr. MILLER. The first bid was for $9,000, as I remember, and the second bid was for $12,000. When the first bid failed, of course they let the work to the second bidder for $3,000 more.

Mr. GAINES of Tennessee. And the work was done?

Mr. MILLER. And the work was done, and the Government says that the work was done for a reasonable amount.

Mr. GAINES of Tennessee. Then the only outlay the Government was put to was for readvertising?

Mr. MILLER. They were not even put to that expense. They simply let the contract to the next lowest bidder.

Mr. EDWARDS of Georgia. In the hearings it did not develop that there was any collusion between the lowest bidder and the next lowest bidder, did it?

Mr. MILLER. None whatever. It was shown absolutely that there was no collusion. If there had been any, the committee would not have reported the claim.

Mr. CLARK of Missouri. Mr. Speaker, when I first came here I served two years on the Committee on Claims, and did a great deal of hard work on it, and I always fought this kind of bills on principle. I am against this one. It is just exactly like the star-route bidding used to be. You could bid on as many of them as you wanted to, and you took what were good and threw the rest back on the Government. That got to be such a nuisance that at last they made a regulation in the department or Congress passed a law that when a man bid on a mail route he must give bond that he would take it if it was knocked off to him, and the principle is right. Suppose a man goes to work and bids on a contract, on the expectation and belief, after investigation, that the steel in a building will cost $100,000, and he gets the contract. If conditions were as he supposed, he could come out even and make something on it; but something happens in the steel trade, so that the price of the steel in the building goes up to $110,000, and he loses $7,000. Then he comes into Congress and wants the Government to recoup him for the loss. The principle is bad, and I object to it.

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

OMAHA TRIBE OF INDIANS.

The next business on the Private Calendar was the bill (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.

The SPEAKER. If there be no objection, the Clerk will report the substitute.

Mr. SIMS. Mr. Speaker, are bills from the Indian Committee in order to-day?

The SPEAKER. Anything on the Private Calendar is in order to-day, if it is reached.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal or equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counter-claim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by any attorney at law employed under existing law by the said Omaha Indians to prosecute their claims under this act, upon information and belief as to the existence of such facts, and no other statements or verifications shall be necessary. And the said Omaha tribe of Indians, subject to the approval of the Secretary of the Interior, may, by contract in writing, employ an attorney or attorneys at law to bring and prosecute such suit, such contract to provide that the fees of such attorneys shall be fixed and determined by said court at such sum only as said court shall find the services of said attorney or attorneys rendered in bringing and prosecuting said suit shall be reasonably worth. Official letters, papers, reports, documents, and public records, or certified copies thereof, may be used in evidence if competent under the rules of said Court of Claims: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That the Otoe and Missouri Indians, of Oklahoma, are hereby authorized to intervene in the said action and set up and have determined any right or interest they or either of them may have or claim to have in said claim; and jurisdiction is hereby conferred upon said Court of Claims to hear and determine all legal and equitable claims, if any, of said Otoe and Missouri Indians, of whatsoever nature, which either or both of said tribes of Indians may have or claim to have against the United States, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties, or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit, or for the failure of the United States to pay either of said tribes any money due."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask some member of the committee to make a statement about this.

Mr. HACKNEY. I shall be glad to answer an inquiry.

Mr. MANN. What was the object in striking out the Senate bill and inserting the amendment, which seems to be much more lenient toward the payment of attorneys' fees?

Mr. HACKNEY. The gentleman is very much mistaken in that respect. The purpose in striking out the language of the Senate bill was to perfect the bill. We amended it in so many respects, particularly in regard to allowing any equitable or legal set-off and not recognizing any particular contract with attorneys. That was one of the reasons why we amended the Senate bill. We did not want to tie the Indians to any particular contract in employing any particular attorney. There seems to be some question about what attorney shall represent them, and we had a good deal of trouble about that.

Mr. MANN. I do not understand that the Senate bill employed any particular attorneys.

Mr. HACKNEY. It referred to a certain contract made at a certain time, many years ago, and I am not sure whether it had met the approval of the Secretary of the Interior, but we conformed to the suggestion of the department as to the attorney feature.

Mr. MANN. Of course I know the Committee on Indian Affairs do not desire to report any bill that is in the interest of attorneys, but it looks to me very much as though this was. I think it is a matter that ought to be considered more fully than it can be here to-day.

Mr. HACKNEY. That feature was fully considered by the committee, and we leave it to the court to fix the pay of these attorneys, who bring suit only at such sum as they earn, and not require the Indians to pay a given per cent that might be very unreasonable.

Mr. STEPHENS of Texas. We intended that the Court of Claims should pass upon the attorney fees.

Mr. MANN. I would much rather trust the department to fix the attorney fees than to trust the Court of Claims, where the attorneys present their bill and get other attorneys to testify as to the value of their services. It is a mighty easy thing to get other attorneys to fix a high valuation upon another attorney's fees.

Mr. HACKNEY. The gentleman will see that we provide that it shall be paid only after the attorney has submitted his contract of employment to the Secretary. In order to get a standing in court he must submit his contract to the Secretary and get his approval. The bill was amended in that particular.

Mr. CARTER. Let me ask the gentleman, does not the amended bill provide that those Indians who reside at Oklahoma belonging to this tribe may intervene in this suit, and that the original bill did not make such a provision?

Mr. HACKNEY. Yes; the Otoes and Missouris in Oklahoma claim to have some share in this claim, and we want to have the whole matter settled, as recommended by the department. I think the bill is in exceptionally good form.

Mr. EDWARDS of Georgia. Is it a unanimous report of the committee?

Mr. HACKNEY. Yes.

Mr. MANN. I think the bill should be considered where there is an opportunity to debate it. It provides for all legal and equitable claims to be submitted. It says "and jurisdiction is hereby conferred on the Court of Claims to determine all legal and equitable claims of said Omaha tribe against the United States."

Mr. HACKNEY. And also all claims of the Government against the Indians.

Mr. MANN. That follows, of course.

Mr. HACKNEY. I think the language is such as to give the court full jurisdiction both of legal claims and equitable claims and legal and equitable set-offs and counterclaims.

Mr. MANN. The language of the bill gives the Court of Claims jurisdiction of any fanciful claim or otherwise that the tribe chooses to make for any purpose, and then if any money is obtained the bigger end will go to the attorneys. While I am an attorney and believe in taking care of the profession, I do not like to take the whole of it.

Mr. HACKNEY. The committee has considered the attorneyship matter and disregarded the previous employment and left the matter so that they could employ any attorney they pleased. I challenge the gentleman from Illinois to draw a bill that will protect the Indians better than this does. That is one thing the committee undertook to do to provide measures so that they would not be held up for exhorbitant fees.

Mr. HOLLIDAY. I would like to ask, Mr. Speaker, whether it is too late to make a point of order that this bill is not on the proper calendar?

Mr. MANN. I was about to say that the bill did not belong on the Private Calendar anyhow.

The SPEAKER. The bill is not under consideration. What is the gentleman's point of order?

Mr. HOLLIDAY. The point of order is that it is a public and not a private bill.

Mr. MANN. Mr. Speaker, to save time so that it may be possible to get through the calendar to-day, I will object for the present.

The SPEAKER. The Chair will examine the bill and direct the transfer to the Union Calendar if, under the rule and practice, it ought to go there.

SAMUEL GARLAND.

The next bill on the Private Calendar was the bill (H. R. 2245) authorizing the Court of Claims to hear and adjudicate the claims against the Choctaw Nation, of Samuel Garland, deceased.

Mr. CARTER. Mr. Chairman, I would like to state that the report was made some time in April, and on May 29, 1908, the Indian omnibus bill was passed, and this matter was incorporated in that bill. So it is already passed and is now law, and I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, the bill will lie on the table.

There was no objection.

DAVID ROBERTSON.

The next business was the bill (H. R. 5808) placing David Robertson on the retired list of the United States Army.

The bill was read.

Mr. HOLLIDAY. I object.

CHARLES ENGSTROM AND C. PETERSEN.

The next business was the bill (H. R. 19757) for the relief of Charles Engstrom and C. Petersen.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. CALE. Will the gentleman reserve his objection?

Mr. MANN. I reserve my objection.

Mr. CALE. Mr. Speaker, this is a claim by Engstrom and Petersen for money, $200, that was collected by the United States Government without any authority whatever. and the only manner in which these two young men can get the money back is by an act of Congress. It seems that in 1899 these two hard-working and industrious young men in Alaska thought they could make a little money by going into the fur business and raising foxes on a barren island known as "Dry Island," in Alaska, an island entirely worthless and useless up to the present time. The United States Government discovered that they were squatted on that island and had gone into this business, so the revenue cutter was directed to go there and to collect $100 a year license. Prior to this time, and prior to the passage of the act of March 14, 1898, the Government had leased islands, but after the passage of this act it was discovered that it had no right whatever to lease those islands, and after the passage of that act these $200 were collected from these two young men. The department and the legal adviser of the Treasury Department discovered that the Government had no authority for collecting this money, and these men have been out of their money for the last eight or nine years. The department has recommended that this money be returned to them. It is simply money that is taken from these two young men, cash, and the Government has given them nothing whatever in return for it. They have been out of the use of the money eight or nine years. They paid the money at the solicitation of the Government, supposing, of course, that the Government had the right to collect the money. They went to a great deal of trouble and expense under the misinformation they had received from the department itself.

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

Mr. CALE. Certainly.

Mr. MANN. Is the gentleman aware that it was the policy of the Government up there to lease these islands for the raising of foxes, and that a number of leases were executed to different people, which they were glad to make, and for which they were glad to pay the rental?

Mr. CALE. Yes.

Mr. MANN. Thereupon these two gentlemen executed a lease.

Mr. CALE. I beg the gentleman's pardon. Let me correct the gentleman.

Mr. MANN. Well, they did have a lease and they were glad to pay the rent.

Mr. CALE. Yes.

Mr. MANN. Thereupon it was held by the government officers, purely as a technical matter, that there was no authority on the part of the Government to execute this lease, and these people, having made the lease, remained in possession and are yet in possession of this island, raising foxes upon it for profit, perfectly willing in the first place to have paid the rental demanded by the Government, but when it was ascertained that the Government had no technical authority to execute the lease, they still remained on the island. Now, what justice is there in their claim?

Mr. CALE. I want to correct the gentleman. He is entirely mistaken, or else I am. Prior to the passage of the law of March 14, 1898, the Government had a right to lease these islands, and did lease them; but after the passage of this act the Government did not have the right to lease the islands. The islands that were leased prior to the passage of this act are still being leased from year to year and a revenue collected, but after the passage of this act, which was the time these young men went on to the island, the Government collected the money, and the Government had no right to lease the islands and the Government does not in any way protect them. The gentleman or myself or anybody else can go right on to the island and go into the same business and interfere with them, for they are without protection.

On the other islands where leases are made and the Government had a legal right to lease them, the lessees are protected from all comers. These men are put off the island and they have gone out of the business and had to quit it because they had no protection.

Mr. MANN. They had the protection during the time that they were paying this money.

Mr. CALE. Exactly.

Mr. MANN. There was no decision that they should not have this protection until after the time had expired for which this money was paid. They had the protection and they had the island and they were in possession and they had everything they paid for. A technical decision was made afterwards that the Government had no right to take the money. That may be true, but they have no moral right to complain when they got what they paid for.

Mr. CALE. They did not get what they paid for, and that is what I am complaining of. They started in with the intention of going into the business, supposing the Government would protect them and that the island would be leased to them from year to year. The work they did was preliminary work, work for which they have received no compensation and no profits that would naturally flow when the business was once got under way. The Government stepped in in the meantime and dispossesses them, refuses to grant them any further license, and will not allow them on the island.

Mr. MANN. The Government did not dispossess these people.

Mr. CALE. Practically.

Mr. MANN. It did not dispossess these people. On the contrary, the Government preserved them in their rights for the period of time for which this money was paid, and at the end of that period of time, while demanding no further money, left them in possession of the island raising these foxes.

Mr. CALE. But he is in a different position from the men who leased the island prior to the passage of the act of 1898.

Mr. MILLER. Mr. Speaker, I want to call the attention of the gentleman from Illinois to the fact of what the record shows in this report of Acting Secretary Herbert Knox Smith:

After the foregoing collections had been made the Solicitor of the Treasury in an opinion dated June 28, 1900, stated that the Secretary of the Treasury had no authority to lease any islands in Alaska other than those leased and occupied prior to the act of May 14, 1898.

Mr. MANN. Does the gentleman know what year this money was paid?

Mr. CALE. Eighteen hundred and ninety-nine.

Mr. MILLER. It is shown further back in the report, and it seems to me that if the Government of the United States collects money from anybody without any authority of law and puts it into the Treasury of the United States that there ought not be an objection to having it turned back to the people from whom it was illegally collected. There is no question but what the collection was an illegal one, and I think the gentleman from Pittsburg has——

Mr. MANN. Probably has a claim on the calendar, and that will not help it any, either. Here is a man who wants something the Government has——

Mr. MILLER. Which the Government collected from him without authority of law.

Mr. MANN. The man wants something which the Government has and is willing to pay a certain price for it, and he pays the price for it and gets the article, squanders it, uses it, gets the benefit from it, and all the good that the Government had the right to sell him, and then under a decision that the Government had no right to sell to him desired that the Government should pay back the money, although he had the full benefit for which he paid.

Mr. MILLER. At the time he was in possession of the land there was no authority of the Government of the United States to lease this land; none whatever. But the agents——

Mr. MANN. But they did lease it——

Mr. MILLER. But the agents of the Government went there, without authority of law, and said to these people, "You pay $100 a year for the lease of this land or you get off," and they were forced to pay this money.

Mr. MANN. Oh, the gentleman is mistaken about that.

Mr. MILLER. No; I am not.

Mr. MANN. These people went to the Government. There are a large number of these islands up there. I do not know whether the gentleman has had the pleasure of reading the report of the Government concerning foxes raised up there; but if he has not, I commend it to him as a most interesting subject and a most interesting report. I have read it and——

Mr. CALE. This lease was before the passage of this act.

Mr. MANN. They let the people up there raise foxes now without a lease and without paying rent because of the delinquency of Congress in not providing for a lease.

Mr. CALE. I do not know of any.

Mr. MILLER. Now?

Mr. MANN. Now.

Mr. MILLER. They can not under the law.

Mr. MANN. Why, they are squatters up there; that is what they are, and nobody is interfering with them.

Mr. MILLER. If the Government collects taxes from them, they must pay them; and there is no way to get it back, because it is illegally collected——

Mr. MANN. The Government collected its money for something which it now lets people get without collecting money.

Mr. MILLER. Oh, no.

Mr. MANN. Certainly.

Mr. MILLER. The gentleman is mistaken about that. It never leases those lands without it collects money for them. I call the attention of the gentleman from Illinois to this statement:

As the leases to Edstrom and Petersen, mentioned heretofore, were made subsequent to May 14, 1898, it appears to be held by the Solicitor of the Treasury that the sums paid were collected without authority. The money, however, had in the meantime been covered into the Treasury, from which it could be recovered only through an act of Congress. It would appear that Edstrom and Petersen now desire, through an act of Congress, to recover the $200 paid by them to the United States through Captain Kilgore.

And afterwards it was determined that they had no right under the law to collect those taxes, but they were paid into the Treasury of the United States, and now the Treasury Department admits that it is in the Treasury without any warrant of law and that the money of this people should be returned to them, and I think we ought to pay it back to them. That is my judgment.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question? I will ask the gentleman from Illinois if there is any difference between raising foxes and raising stock, and if it is not a fact that the stockmen of the United States are using almost 100,000,000 acres without paying anything for it?

Mr. MANN. I will say that I do not believe in that policy. I think they ought to pay something for the use of it.

Mr. STEPHENS of Texas. I strike hands with the gentleman on that proposition.

Mr. CALE. Will the gentleman from Illinois [Mr. MANN] yield for just a moment?

Mr. MANN. I always yield to the distinguished gentleman.

Mr. CALE. The gentleman from Illinois must remember that the fur-bearing business is just in its experimental stage. Nobody who has gone into the business has made a dollar in it, and it is a serious question whether it will ever be a profitable industry or not. These people went there to experiment, and it would take years and years before there would be any return for their investment under the most favorable circumstances. When they initiated this industry there—if I can use that term—they did not know. These are simply poor workmen who have spent their lives in Alaska, and they are miners and prospectors. They took this industry up believing that they could make it a profitable one.

Mr. MANN. Does the gentleman mean to contend that anyone who starts the raising of foxes up there has to invest a considerable capital in the first place?

Mr. CALE. Yes.

Mr. MANN. The gentleman is mistaken.

Mr. CALE. Perhaps I am, but I am telling the gentleman what I know about the facts.

Mr. MANN. I am telling the gentleman what I know about the report of the Government, which passed on all those questions up there and, I think, has given more investigation to it.

Mr. CALE. The gentleman has reference now, I think, to those who went into the business under the protection of the Government. That is true. These men went in on their own hook. They were squatters. They did not know that they would be obliged to pay a license or that a license was necessary. So they were in there some three years, and along came the Government and stated that they must pay a license. They did not know it before. Finally they did pay the license, and then the Government declared——

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

Mr. MANN. I object.

Mr. CALE. I hope the gentleman will withdraw his objection. If there was ever an honest claim presented to this House this is one of them.

LEASE WITH SENECA NATION OF INDIANS.

The next business on the Private Calendar was the bill (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians.

Mr. RYAN. Mr. Speaker, that bill, I will state, was passed last winter. In the absence of my colleague, I move that it lie on the table.

The SPEAKER. Has the bill become a law?

Mr. RYAN. Yes, sir.

The SPEAKER. Without objection, it will lie upon the table.

There was no objection.

MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 6648) for the relief of the heirs of Myra Clark Gaines, deceased.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. ROBINSON. Mr. Speaker, I wonder if the gentleman from Illinois [Mr. MANN] will withhold his objection until I can make a brief statement concerning the matter.

Mr. MANN. I will reserve the right to object.

Mr. ROBINSON. This claim originates in two grants made by the Spanish authorities while in possession of the territory in Louisiana in which the lands were embraced. The lands were conveyed to Daniel Clarke by Thomas Urquhart and John Lynde, the grantees, respectively, of the Spanish Government. Both the United States and Spain claimed the territory at that time, the United States claiming it under the treaty of 1803 and the Spanish Government claiming it by virtue of actual occupancy. In 1819 the controversies between Spain and the United States relative to titles in this territory and other terri-

tories in that locality were sought to be adjusted by what is known as the "Treaty of amity, settlements, and limits."

In that treaty is was specially stipulated on the part of the United States that the United States "shall ratify and confirm grants" made by the Spanish authority while in possession of the territory. In the case of Foster and Elma *v.* Neilson, Second Peters, the Supreme Court of the United States held that the language of the treaty did not of itself ratify these grants, but that it became a political question and required action upon the part of Congress. In 1860 Congress took that action by passing a statute expressly ratifying grants of this character.

Mr. HAMMOND. Will the gentleman cite the decision of the Supreme Court?

Mr. ROBINSON. It is in Second Peters. Congress, as I have stated, passed the statute of 1860 expressly ratifying and confirming these grants and providing a remedy for claimants, or, rather, two courses of procedure, at the election of claimants. One of those permitted the claimant to go before the commissioners at New Orleans and establish their claims and then have relief from Congress. The other provided that they might proceed in any district court of the United States having jurisdiction to establish their claims; and the statute provided the relief they should have, which is the same as that contemplated in this bill.

In the case of Lynde *v.* the United States, reported in Eleventh Wallace, these grants were expressly confirmed, and in case No. 622, in which there was an oral opinion, 10,000 arpents of the 50,000 granted to Urquhart were segregated and confirmed to Caleb Cushing, a very prominent lawyer, for his services rendered Mrs. Myra Clark Gaines. In the meantime almost endless litigation had arisen, involving the legitimacy of Mrs. Myra Clark Gaines. That question was finally determined in her favor by the United States Supreme Court in Twenty-fourth Howard, in Gaines *v.* Hennen, in which the court expressly held that she was the legitimate heir of Daniel Clarke. Subsequently Mrs. Myra Clark Gaines filed her claim before the commissioners at New Orleans.

The commissioners there found in her favor, but the Commissioner of the General Land Office, Mr. Drummond, rejected their report, for the reason that they had not certified to him certain documentary evidences. Subsequently, upon a hearing before a committee in Congress, it was made manifest that that evidence was actually supplied to the commissioners at New Orleans when they passed upon the matter; and Mr. Drummond said if the evidence had been before him at the time when he had jurisdiction of it and passed upon it he would probably have approved the claim.

The Congress of the United States has had consideration of this matter for a great many years. The claim originated in grants made in 1803 and 1806, when the original Spanish grants were made. The claim has been favorably reported by committees of this House many times, and at one time passed the House of Representatives. It has never been unfavorably reported but once, and that action was taken by the Senate committee on the theory solely that Mrs. Myra Clark Gaines had not brought her claim within the statute of limitations fixed by the statute of 1860. It appears perfectly clear, however, from a careful investigation of the record, that she did bring her claim within the statute. The act of 1860 was rendered inoperative by the civil war, the limitation fixed in that act being five years. But Congress in 1867 extended the limitation three years, and before the expiration of the limitation fixed in the act of 1867 she filed her proof and secured the action that I have already detailed by the commissioners at New Orleans.

The case presents this peculiar aspect: That there seems to be upon the part of no one investigating this claim or who has ever considered it any reasonable doubt as to its validity. It has been before Congress from almost time immemorial. So far as the Government of the United States is concerned, its history is almost coextensive with it. I submit to this House that the time has come when some final action ought to be taken in this matter. I have no further statement, unless some gentleman of the House wishes further information upon the matter. The records I have referred to are, of course, voluminous. The decisions of the Supreme Court, which I have attempted to give the gist of, are very lengthy. The whole question is presented here, and the claim seems to be manifestly just by the unanimous reports by the committees of this House, and no question as to its validity seems ever to have been raised.

In my judgment there is no fair question of laches in the case, because the representatives of the claimant have been constantly and persistently pressing the claim for many, many years. I submit, in view of these considerations, that the claim ought to be approved. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

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

JULIUS A. KAISER.

The next business on the Private Calendar was the bill (H. R. 12707) for the relief of Julius A. Kaiser.

The bill was read.

The SPEAKER. Is there objection?

Mr. SABATH and Mr. MANN objected.

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

CHICAGO, PEORIA AND ST. LOUIS RAILWAY COMPANY OF ILLINOIS.

The next business on the Private Calendar was the bill (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the Chicago, Peoria and St. Louis Railway Company of Illinois $2,835.45, being the amount of internal-revenue tax on certain high wines erroneously appropriated by the Navy Department at Indianhead.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what this claim is for?

Mr. MILLER. The Standard Distilling and Distributing Company, a distillery at Pekin, Ill., on August 27, 1902, delivered to the Chicago, Peoria and St. Louis Railway Company 84 barrels of alcohol for shipment to the National Distributing Company, of New York, for which alcohol they had paid a certain amount of tax. But there was a mistake made in the shipping bill, and 30 barrels of this alcohol were unloaded at Indianhead, Md., and used by the Government of the United States; and for that reason this company asks that the amount paid by them on this shipment be refunded to them, the alcohol having been used by the Government of the United States.

Mr. SABATH. What was it used for by the Government?

Mr. MANN. Smokeless powder.

Mr. MILLER. For making smokeless powder. There is no question about it being used by the Government of the United States. It was simply unloaded at the wrong place. It should have been shipped to the National Distributing Company, of New York, but was waybilled in error by the agent of the railway company, and 30 barrels of it were unloaded at Indianhead, and there used for the purpose of making powder by the Government of the United States; and being so used, it was not subject to taxation.

Mr. SABATH. Why did not the Government pay this bill?

Mr. MANN. If the gentleman will permit me, where the Government buys alcohol for use in making powder, there is no internal-revenue tax levied against that alcohol.

In this case the internal-revenue tax had been paid by the company that shipped the alcohol. The railroad company inadvertently delivered the alcohol to the Government instead of to the real consignee. The Government accepted the alcohol and used it and paid for it. Now, if the Government had purchased the alcohol in the market, the tax would have been relinquished, but this tax had been paid on this alcohol. The Government made use of it, just as though it had purchased it at the ordinary price.

Mr. SHACKLEFORD. Did the Government pay the same price for the alcohol that would have been paid if it had been received by a private party?

Mr. MANN. The Government paid the same price that it was paying for the other alcohol purchased by it.

Mr. EDWARDS of Georgia. Government rates.

Mr. SHACKLEFORD. The owner of the alcohol lost the difference, then?

Mr. MACON. Is this claim for the difference between the amount the Government paid for it and the tax upon it at that time?

Mr. MANN. The claim is simply to refund the tax which was paid. If the Government had purchased the alcohol in the regular way, there would have been no tax upon it.

Mr. SHACKLEFORD. My question was whether the price received was the price of the alcohol plus the revenue that the distiller had paid.

Mr. MANN. When the Government paid for the alcohol, it only paid the price which it ordinarily paid, which is a smaller price, because of the fact that the alcohol purchased by the Government for this purpose does not pay the internal-revenue tax.

Mr. MACON. This is simply for the difference between the amount the Government paid for it and that the railroad company had to pay, is it not?

Mr. MANN. Yes.

Mr. CLARK of Missouri. Will the gentleman allow a question?

Mr. MANN. Yes.

Mr. CLARK of Missouri. How did the railroad company get mixed up in this?

Mr. MANN. Because the railroad by inadvertence delivered the alcohol to the wrong consignee, and the consignor held the railroad company responsible for it, and the railroad company paid.

Mr. CLARK of Missouri. But a railroad company does not pay the revenue tax on the alcohol that it ships.

Mr. MANN. No.

Mr. CLARK of Missouri. How did they happen to be paying it in this case? I thought the distiller paid it.

Mr. MANN. The distiller did pay it.

Mr. CLARK of Missouri. Then the distiller ought to have it back.

Mr. MANN. He got it back from the railroad company.

Mr. CLARK of Missouri. How did he get it back from the railroad company?

Mr. MANN. Because the railroad company had delivered it to the wrong consignee, and thereby the consignor received from the Government, not the price of the alcohol plus the internal-revenue tax, but only the price of the alcohol without regard to the internal-revenue tax, and he made a claim against the railroad company for the difference, and the railroad company paid it.

Mr. CLARK of Missouri. Of course everybody that knows very much knows that alcohol used by the Government for making powder does not pay any revenue tax.

Mr. MANN. It does not. In this case the revenue tax was paid to the Government, and this is for the refund of it.

Mr. MACON. I would like to ask if this is not practically making the Government pay the internal-revenue tax on the alcohol?

Mr. MANN. Not at all. The Government has already received the money for the internal-revenue tax and also used the alcohol.

Mr. MACON. And this is to refund the tax?

Mr. MANN. Yes.

The SPEAKER. Is there objection?

There was no objection.

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

SIMON LONGNECKER AND ALBERT LONGNECKER.

The next business on the Private Calendar was the bill (H. R. 18831) for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $1,550, as rent of the city stable in Lavaca, Tex., from the 9th day of July, 1865, to December 14, 1865, as found and determined by a board of survey appointed and assembled for the purpose of investigating and adjusting claims against the United States Government by citizens of Lavaca, Tex., which board of survey met and adjusted said claim on December 14, 1865, and adjudicated said claim in favor of William Longnecker, then a citizen of Lavaca, Tex., but who has since then died, leaving Simon Longnecker and Albert Longnecker his only heirs at law.

With the following committee amendments:

Amend by inserting therein, after the words "Galveston, Tex.," in line 5, the words "only heirs at law of William Longnecker, of Lavaca, Tex., deceased."

That said bill be further amended by striking out all of said bill after the word "of," in line 7, and inserting in lieu thereof the words "$375 for the rent, use, and occupancy of the city stable in Lavaca, Tex., owned by the said William Longnecker, deceased, from August 16, 1865, to August 31, 1866, which sum shall be in full satisfaction and discharge of all claims for the rent, use, and occupancy of the aforesaid stable."

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

The amendments were agreed to.

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

JAMES S. CLARK.

The next bill on the Private Calendar was the bill (H. R. 7098) for the relief of James S. Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James S. Clark, of Fayette County, Ky., the sum of $1,886, in full compensation for personal property taken and used and damages done in the use and occupation of real estate, all belonging to the said James S. Clark, by the Army of the United States during the Spanish-American war, in the months of August, September, October, November, and December, 1898, in and about the establishment and maintenance of a military camp at Camp Hamilton, in said county and State.

With the following amendments:

Amend by inserting after the word "to," in line 5, the words "the legal representatives of." Strike out, in lines 6 and 7, the words "one thousand eight hundred and eighty-six" and insert in lieu thereof the words "two hundred and fifty."

Amend the title so as to read: "A bill for the relief of the legal representatives of James S. Clark, deceased."

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

The amendments were agreed to.

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

The title was amended.

RACHEL PARKER.

The next business on the Private Calendar was the bill (H. R. 19275) for the relief of Rachel Parker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rachel Parker, widow of Wilson Parker, deceased, late of Company G, Forty-sixth Regiment U. S. Colored Troops, out of any money in the Treasury not otherwise appropriated, the sum of $865.67, it being for pay of soldier, bounty, clothing, pay and travel allowances due to the said Wilson Parker at the date of his muster out of service, to wit, February 16, 1866.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Vermont if he personally is fully satisfied that this claim ought to be paid?

Mr. HASKINS. I sent to the War Department and to the Treasury Department and procured every paper that bore upon the case and made a personal examination of it. I sat up two nights making the examination, and became thoroughly convinced of the justice of this claim, and that the pay roll was a fabrication. It is clearly so, otherwise I would not have reported it.

Mr. MANN. I have read the gentleman's report with a good deal of care. It looked to me very much as if this man enlisted, was immediately captured, taken to southern Texas, and there went to work for anybody that would give him employment. Meanwhile, somebody did take the money that would be due him if he had served, his name being still carried on the pay roll. I say frankly that while it did not seem very strong to me, I would take the opinion of the gentleman from Vermont upon the matter.

Mr. MACON. Let me ask the gentleman, Is this an attempt to pay this money a second time?

Mr. MANN. These are the facts, briefly stated: A colored man, a slave, I suppose, did enlist in the army, was shortly thereafter captured and taken to Texas. Some years after that——

Mr. MACON. He did not serve in the army?

Mr. MANN. He was a prisoner. Some time after that somebody signed for the money in his name on the pay roll and obtained it.

Mr. MACON. Was he entitled to the money at all?

Mr. MANN. The War Department says he was. He was still carried on the pay roll because he was a prisoner.

Mr. MACON. Does the gentleman state that anyone can be entitled to compensation for services at the hands of the Government when he was not in the service?

Mr. MANN. I think it is the custom, and it was the practice during the war, where a man was captured as a prisoner, to pay him as though he was in the active service.

Mr. MACON. What amount does this bill carry?

Mr. MANN. Eight hundred and sixty-five dollars and sixty-seven cents.

Mr. MACON. The gentleman from Illinois says that he was working down in Texas for whoever would employ him.

Mr. MANN. I did not make that statement as a fact; that is not the evidence.

Mr. HASKINS. I want to say that that $865 includes $200 bounty that was due him. While he was captured the evidence shows that he was placed in slavery on a plantation with Captain Stone of the Texas cavalry that captured him, and that he remained there until his death, from the time he enlisted up to the time he died.

The evidence in the War Department that was filed there in behalf of this man's pay and bounty showed conclusively these facts, and the War Department refused to make the allowance for the reason of that invariable rule which prevails in the department that they will not go back on their own records, but referred the man to Congress for relief.

Mr. MACON. Mr. Speaker, I do not think that this claim ought to have been paid in the first instance. I do not think the claimant was entitled to any compensation, under the statement made by the gentleman from Illinois [Mr. MANN], and certainly I do not think the Government ought to pay a claim

twice when the claimant was not entitled to it in the first instance, and I therefore object.

Mr. MANN. I hope the gentleman will receive the statement of the gentleman from Vermont [Mr. HASKINS] as to the facts, and not lay that blame upon me. I do not want to be responsible for the statement of facts.

Mr. HASKINS. Why does the gentleman from Arkansas say that he was not entitled to anything in the first instance?

Mr. MACON. Because he never served as a soldier.

Mr. HASKINS. Oh, he was regularly enlisted and served as a soldier.

Mr. MACON. He did not even serve ninety days.

Mr. HASKINS. And then was captured by the Confederate cavalry under command of Captain Stone, of Texas, taken into the State of Texas, and put on Captain Stone's plantation, where he continued to work.

Mr. ADAIR. Would he be entitled to a bounty under the law?

Mr. HASKINS. Yes; $200 bounty under two different acts of Congress.

Mr. ADAIR. And $100 is the part asked for in this bill?

Mr. HASKINS. Two hundred dollars.

Mr. MACON. I want to understand further. How long is it proposed to pay him for?

Mr. HASKINS. For the time that the pay roll shows he was mustered out.

Mr. MACON. How long was that?

Mr. HASKINS. He was taken prisoner of war in 1863.

Mr. MANN. Up to 1867.

Mr. MACON. The war was practically ended on the 9th of April, 1865.

Mr. HASKINS. From 1863 to 1866.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

Mr. HASKINS. Mr. Speaker, I ask unanimous consent to offer an amendment to the bill which has just been passed. I want to amend by unanimous consent by striking out the words "Rachel Parker" and inserting in lieu thereof "the legal representative."

The SPEAKER. Is there objection to the request of the gentleman from Vermont to offer an amendment at this time?

There was no objection.

The SPEAKER. The Clerk will report the amendment, and the order passing the bill will be vacated.

The Clerk read as follows:

Strike out, in line 4, the words "Rachel Parker, widow," and insert in lieu thereof the words "legal representative"—

Also amend the title.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

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

The title was amended.

JAMES H. DE COSTER.

The next business was the bill (H. R. 5728) for the relief of James H. De Coster.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse, out of any money in the Treasury not otherwise appropriated, the sum of $476.31 to James H. De Coster, postmaster at Mechanic Falls, Androscoggin County, Me., for postage stamps, specie, money-order specie, 1 registered letter, and 1 registered package stolen from the post-office at Mechanic Falls aforesaid on May 30, 1900.

With the following amendments:

Page 1, line 6, strike out the word "seventy-six" and insert in place thereof "sixty-five."

Page 1, line 6, strike out the word "thirty-one" and insert in place thereof "ninety-five," so that the total amount will read "$465.95."

Page 1, lines 8 and 9, strike out the words "specie, money-order specie, one registered letter, and one registered package," and insert in place thereof "post-office funds."

Page 1, at the end of line 11, insert the words "and charged to James H. De Coster and paid for by him in his settlement with the Post-Office Department."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

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

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

The next business was the bill (H. R. 14236) for the relief of The Merchants' National Bank of Poughkeepsie, N. Y.

The SPEAKER. This is a bill with a committee amendment which strikes out a preamble and all after the enacting clause and substitutes a new text therefor. Without objection, the Clerk will read the substitute in the nature of an amendment.

There was no objection, and the Clerk read the substitute, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to redeem a certain duplicate United States bond issued in place of a certain United States bond, No. 10307, for $10,000, under act of July 14, 1870 (consols of 1907), inscribed in the name of the Dutchess County Mutual Insurance Company and assigned in blank and lost or destroyed on or about the 24th day of July, 1888, which said duplicate bond is registered in the name of the Merchants' National Bank of Poughkeepsie, N. Y.

SEC. 2. That the Secretary of the Treasury is authorized and directed to pay in full redemption and satisfaction of said bond and duplicate to the Merchants' National Bank of Poughkeepsie, N. Y., out of any moneys not otherwise appropriated, forthwith, the sum of $10,000, together with interest, if any, accrued thereon at 4 per cent per annum to the 1st day of July, 1907, the date when said bond was called for redemption and payment: *Provided, however*, That the indemnity bond executed and filed by the Merchants' National Bank of Poughkeepsie, N. Y., pursuant to the terms of said act of Congress passed the 21st day of May, 1888, shall remain as a continuing liability to secure the United States from any loss, cost, damages, or claims made on account of said original bond.

SEC. 3. That is act shall take effect immediately upon passage and approval of same.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I want to ask a question or two. Was this a registered bond or a coupon bond?

Mr. WALDO. It was a registered bond. A duplicate bond was issued, and under the terms of the act that duplicate bond is in the Treasury, and it can not be paid without the passage of an enabling act, although it has already been called in for redemption.

Mr. CLARK of Missouri. When was this bond destroyed?

Mr. WALDO. In 1880, if I recollect.

Mr. CLARK of Missouri. Have they been drawing interest on it ever since?

Mr. WALDO. The interest has never been paid.

Mr. CLARK of Missouri. I thought the bill provided that interest should be paid at the rate of 4 per cent from 1898.

Mr. WALDO. Possibly I may be mistaken about that, but I know that there is some accrued interest for several years that has not been paid. Whatever it is, the records of the Government show. This bill provides only for the payment of such interest as has not been paid.

Mr. CLARK of Missouri. What kind of a bond do they get.

Mr. WALDO. The bond is a bond given by this bank with sureties. I have never seen the bond which the department now has under the former bill. This provides that the bond shall continue.

Mr. CLARK of Missouri. The average bond is not worth a straw after four years.

Mr. WALDO. The bond specified is good; there is no doubt about that.

Mr. CLARK of Missouri. It is good, maybe it will be good for four years.

Mr. WALDO. Here is a registered bond, and it is almost impossible that a bond registered in the name of this bank should come into the hands of anybody else by which any liability could accrue against the Government.

Mr. CLARK of Missouri. The history of the probate court shows that the average bond is of no account at all after the end of four years.

Mr. WALDO. That may be true, but this bond is good.

Mr. MANN. May I call the attention of the gentleman from Missouri to the fact that the bill does not provide for the payment of 4 per cent interest except to the date of when they made the call for redemption, 1897. It does not provide for payment of interest since that time.

Mr. CLARK of Missouri. What I asked him was, and what he did not know was, whether they drew interest on this registered bond from the time they allege it was lost up to 1897, when it was called in for redemption.

Mr. WALDO. My understanding is they have now. I have forgotten it; I have not looked it up for some time.

Mr. ADAIR. Does this bill provide interest since the call for redemption?

Mr. WALDO. No, sir; up to the call, which had not been paid.

Mr. MANN. Probably the last six months' interest was due.

Mr. CLARK of Missouri. This bond was lost a great many years, some thirty years ago, and they never said a word about the bond being lost, but went on and drew interest on the bond until it was called for redemption.

Mr. WALDO. Oh, no; the original bill was passed——

Mr. MANN. This bond was lost, as shown here, somewhere about 1888, and thereupon they secured an act of Congress——

Mr. WALDO. Yes.

Mr. MANN. Authorizing the issuance of a duplicate bond. That duplicate bond was issued, and as an additional security to the Government, besides taking the ordinary form of bond, the original duplicate $10,000 bond was retained in the hands of the United States Treasurer. That came due in 1897, and it can not be paid because the Government is holding it for security for the loss of the original bond, lost a great many years ago.

Mr. CLARK of Missouri. That is all as clear as mud.

Mr. ADAIR. If the original bond should be found, it could not be used by anybody, as it is a registered bond.

Mr. WALDO. No; or in payment of a demand by anybody.

Mr. MANN. I am not so sure about that.

Mr. ADAIR. Let me ask the gentleman, what is the purpose of a registered bond if it is not for the purpose of protecting the owner of the bond?

Mr. MANN. There is that protection to a certain degree, but not absolutely.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to call the attention of the gentleman to the language of the bill where they refer to the terms of "said" act, line 23, page 3, no act having been referred to previously. I suppose they thought or figured that upon the "whereas." I move to strike out the word "said" in line 23, page 3, and insert the word "the."

Mr. MILLER. There is no objection to the amendment offered by the gentleman from Illinois.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 23, strike out the word "said" and insert the word "the."

Mr. MANN. Now, may I ask the gentleman whether he thinks it is possible for Congress by a law to change the obligation of the bond first given in this case?

Mr. WALDO. My view, when we first drew that substitute, was that it should provide, without any question, that the bank must remain responsible on the bond. It probably would in any event without that provision; but that if the Solicitor of the Treasury had any doubt as to the continuance of the liability of the sureties, he would take the proper course which would compel them to remain liable.

Mr. MANN. Well, the Solicitor of the Treasury has no option in the matter. We say in the law what he shall do. Now, here is the situation: Originally there was a bond lost. Congress provided for the issuance of a new bond and provided for two methods of securing protection to the Government. One was by retaining the bond itself—that is, the registered bond—and the other by having the parties give an indemnity bond. Now, can we give up half of that security and then hold the sureties on the indemnity bond?

Mr. WALDO. Let me say to the gentleman, in the first place, that I think in the case of the loss of a registered bond the Government is under no risk to pay to the registered owner of the bond. That is the first proposition. That is the purpose of the register. Now, in the next place, in order that the security that had been taken under the act of 1808 might continue, that provision was put in there. My own view of it is, and I think that is what the gentleman himself would do if he was the treasurer, if he had any question about it, would be to take the statement from the bank and from the sureties on the bond that they recognized the obligation imposed by this proposed law. There is no question but what they could do that. My own view of it is that it is an excess of precaution to take that step at all.

Mr. MANN. Of course, I do not know whether this was a registered bond, unless the gentleman knows it personally.

Mr. WALDO. The records show that. The report of the department shows it, too.

Mr. MANN. The report of the committee does not show it. If there is no liability on the loss of a registered bond, why do the department and Congress require not only the retention of the new bond that was issued, but also the giving of an indemnity bond?

Mr. WALDO. I presume the purpose was to save any question that might arise on the floor here, and it was for that purpose that I left that obligation in the amendment.

Mr. MANN. I am not talking about the gentleman's obligation. I am asking him in reference to the original act requiring both forms of suretyship.

Mr. WALDO. Of course, I was not in Congress at that time, and can not state exactly what was in their minds; but I presume that through excess of caution, as I have stated, they put in that provision. That is the only explanation that I can make of it.

Mr. MANN. Is the gentleman prepared to say to Congress now, in connection with his own bill, that there can be no loss to the Government where a registered bond is lost?

Mr. WALDO. Not if the payment is made to the registered owner. That is my understanding of it.

Mr. MANN. It can not be made to the registered owner if the bond is lost.

Mr. WALDO. Certainly it can. The registry continues whether the bond is lost or not.

Mr. MANN. The Government never pays a registered bond without the protection of a bond.

Mr. WALDO. The provision of law for the registry of a bond was made—and the register of a bond, when it is done voluntarily, is done—for the express purpose of prohibiting anybody getting the money except the registered owner, and so the bank will be secure in paying to the registered owner.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 23, page 3, strike out the word "said" and insert the word "the" before the word "act."

The amendments were agreed to.

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

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

BENJAMIN F. CURRY.

The next business on the Private Calendar was the bill (H. R. 17171) for the relief of Benjamin F. Curry.

The bill was read as follows:

A bill (H. R. 17171) for the relief of Benjamin F. Curry.

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of Benjamin F. Curry, postmaster at Hamlin, W. Va., a credit of $198.50, for money stolen from said post-office by burglars December 27, 1905.

Also the following committee amendments:

Page 1, line 6, strike out the words "ninety-eight" and insert in lieu thereof the words "eighty-nine."

Page 1, line 6, strike out the word "fifty" and insert in lieu thereof the words "ninety-nine."

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

The question was taken and the amendments were agreed to.

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

PETER M'ENERY.

The next business on the Private Calendar was the bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased.

The Clerk read the bill, as follows:

A bill (H. R. 16696) for the relief of the estate of Peter McEnery, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Peter McEnery, deceased, late of Petersburg, Va., the sum of $97.80, for rent of storehouses used by the military authorities of the United States from April 6 to May 26, 1865.

The SPEAKER. Is there objection?

There was no objection.

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

JOHN O. KINNEY.

The next business on the Private Calendar was the bill (H. R. 13244) to place upon the muster-in rolls the name of John O. Kinney.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to have the gentleman in charge of the bill tell us why this man should be put on the roll.

Mr. TIRRELL. Mr. Speaker, I wish to offer an amendment to this bill by striking out on the second page, third line, the word "November" and inserting the word "January;" and in the fourth line strike out the word "two" and insert in place thereof the word "three."

Mr. MACON. I reserve the right to object.

The SPEAKER. Will the gentleman from Massachusetts please restate his amendment?

Mr. TIRRELL. My amendment is as follows: Strike out the word "November," in line 3, on the second page, and insert in lieu thereof the word "January;" and in the fourth line strike out the word "two" and insert in lieu thereof the word "three."

The Clerk read as follows:

On page 2, line 3, strike out the word "November" and insert the word "January;" in line 4 strike out "two" and insert "three."

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. MANN. May I ask the gentleman a question? This is the third attempt to get the date right. Is the gentleman sure it is now right?

Mr. TIRRELL. Well, I will state the record, but it will take some little time.

Mr. MANN. Is the gentleman sure the date is now right?

Mr. TIRRELL. Yes; it is.

Mr. MANN. The gentleman introduced the bill with one date, the committee passed upon that date and proposed an amendment, and now the gentleman proposes an amendment to that amendment. Now, is he sure the date is right?

Mr. TIRRELL. I am sure.

Mr. MACON. I wanted an explanation as to why he should be put on the roll.

Mr. TIRRELL. On the 3d day of September, 1862, a military company was organized in the town of Winchendon, Mass., and from there they were taken to Camp Stevens, at Groton Junction, Mass.

Mr. HEPBURN. Mr. Speaker, I desire to know if this bill is now being considered?

The SPEAKER. No; it is not. Consent for its consideration has not been given.

Mr. HEPBURN. Then, Mr. Speaker, I desire to make the point of order against the gentleman who has reserved the right to object. I submit, sir, that under the order that can not be done.

The SPEAKER. Not if anybody objects. Does the gentleman from Iowa object? That would be objecting to the consideration.

Mr. MACON. I will meet the objection of the gentleman from Iowa by objecting to the consideration of the bill.

Mr. HEPBURN. That is all I want; one way or the other. I am against this very grotesque performance——

Mr. MANN. That is no more in order than the other.

Mr. HEPBURN (continuing). Of reserving the right to object, then consuming time in explanations, and then objecting.

Mr. MANN. That is six of one and half a dozen of the other.

Mr. MACON. If the Chair will indulge me.

The SPEAKER. By unanimous consent.

Mr. MACON. I will say to the gentleman from Iowa that my sole purpose in reserving the right to object is to put myself in a position to object intelligently, and that I can not do without explanation. If the gentleman wants to prevent an opportunity for intelligent objection, I will say another kind of objection will be made, for I will not sit in my seat and allow bills to go through without knowing something about them. It is for the sole purpose of voting intelligently upon these matters that I have reserved the right to object.

Mr. HEPBURN. I have not the slightest desire to control the gentleman in the matter. He may vote unintelligently if he desires to. [Laughter.]

The SPEAKER. The Chair will state again to the House, if the Chair may be indulged, that a practice has grown up touching unanimous consent, by unanimous consent for brief questions and answers; but if objection is made, of course that is a withdrawal of unanimous consent. Objection is heard, and the Clerk will report the next bill.

COURT OF CLAIMS.

The next business on the Private Calendar was the resolution (H. Res. 369) referring certain claims to the Court of Claims.

Mr. MANN. Mr. Speaker, to save time, for the present I shall object.

HARTSHORNE, OKLA.

The next business on the Private Calendar was the bill (S. 4289) for the relief of the people of Hartshorne, Okla.

The title of the bill was read.

Mr. CARTER. Mr. Speaker, to save the time of the House I will state that this matter was incorporated in what is known as the "Indian omnibus bill," section 14, and I ask unanimous consent that it be laid on the table.

The SPEAKER. Without objection, the bill will be laid on the table.

There was no objection.

ROBERT MORGAN GILSON.

The next business on the Private Calendar was the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The bill was read.

Mr. MACON. Mr. Speaker, I object.

NEBRASKA MUTUAL LIFE INSURANCE COMPANY.

The next business on the Private Calendar was the bill (H. R. 5573) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

RICHARD HALEY AND FAMILY.

The next business on the Private Calendar was the bill (H. R. 10714) authorizing the Secretary of the Interior to enroll Richard Haley and his family as Choctaw Indians.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MACON and Mr. EDWARDS of Georgia objected.

CERTAIN SHAWNEE INDIANS.

The next business on the Private Calendar was the bill (H. R. 17191) to confer jurisdiction, legal and equitable, upon the Court of Claims in the matter of the claims of certain Shawnee Indians to be enrolled as Cherokees, under treaty of July 19, 1866, agreement of June 7, 1869, the act of October 1, 1890, and decrees of the courts thereunder, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. CARTER. I object.

ROBERT S. DAME AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 21895) for the relief of Robert S. Dame and others, and for other purposes.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, this is a long omnibus bill. It has a lot of items in it which I think are improper and, to save time, I shall object.

VELVIA TUCKER.

The next business on the Private Calendar was the bill (H. R. 8448) to pay Velvia Tucker arrears of pension due her father, William N. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Velvia Tucker, daughter of William N. Tucker, late of Captain Brown's company B, Second New York Heavy Artillery, $70, the arrears of pension due said soldier at date of death.

Mr. MANN. Reserving the right to object, I should like to ask how the Committee on War Claims got jurisdiction of a bill of this kind?

Mr. HAUGEN. The bill provides for the payment of $70 to Velvia Tucker, only daughter of a soldier, William N. Tucker, who died some ten years ago. This lady was the only child left to take care of her father, and she performed that duty faithfully.

Mr. MANN. The gentleman is not answering the question I asked. Under what theory did this bill go to the Committee on War Claims?

Mr. HOLLIDAY. This is a claim growing out of the civil war. The Committee on Pensions could not adjudicate it.

Mr. MANN. The Committee on Claims could adjudicate it. This does not grow out of the civil war at all. It grows out of the act of Congress providing for pensions; but if the gentleman believes it belongs to the Committee on War Claims, I shall not make any point of order on it. I think, however, this is one of the cases where gentlemen find it convenient to refer claim bills to their own committees.

The SPEAKER. Is there objection?

There was no objection.

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

JOSEPH SWISHER.

The next business on the Private Calendar was the bill (H. R. 9617) for the relief of Joseph Swisher.

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 Joseph Swisher, out of any moneys in the Treasury not otherwise appropriated, the sum of $109.87, said sum being the amount withheld for tools lost in battle in the settlement of the account of said Joseph Swisher as captain in the One hundred and thirteenth Regiment Ohio Volunteer Infantry, and quartermaster of the Second Brigade, Second Division, Fourteenth Army Corps.

The SPEAKER. Is there objection?

There was no objection.

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

JOHN T. FREEMAN.

The next business on the Private Calendar was the bill (H. R. 21571) for the relief of John T. Freeman.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $447.81 to John T. Freeman, chief musician, Seventh Artillery Band, U. S. Army, in full payment on account of articles, the property of said Freeman, destroyed by fire at Fort Slocum, N. Y., March 30, 1899, as found due and recommended by a board of survey appointed by the Secretary of War.

Mr. MACON. Not being allowed to make an inquiry about the bill, I will object.

Mr. SHERMAN. The gentleman is allowed to make inquiry.

Mr. BARTLETT of Georgia. How can the gentleman be prevented from making an inquiry?

The SPEAKER. The gentleman is not at this time prevented from making inquiry. Unless there is objection, he can inquire.

Mr. MACON. Then, Mr. Speaker, I will reserve the right to object, for the purpose of having the gentleman in charge of the bill explain its merits. If it is meritorious, I want it to pass.

Mr. HASKINS. I made the report on the bill.

The SPEAKER. Does the gentleman yield to the gentleman from Arkansas?

Mr. HASKINS. I yield.

Mr. MACON. I want the gentleman to explain the merits of the bill. If it is meritorious I want it to pass.

Mr. MANN. I will say to the gentleman that I think the bill is meritorious. This man had furniture in an administration building that was burned. This follows the custom that we have followed for years, of paying a man for furniture so destroyed. It occurred without fault of his.

Mr. MACON. I want to know why it was there.

Mr. MANN. He was an officer of the army.

Mr. MACON. The gentleman does not insist that it is proper for the Government to pay for all property that it may be housing without expense to officers, does he?

Mr. MANN. I will say to the gentleman that for many years Congress has followed the practice of passing these bills that came before it—whether a right practice or not—where the army officer had some of his personal belongings in a building or vessel owned by the Government, and the building burned, or the vessel burned, the Government reimbursed him for the actual loss of the property. We have passed a number of bills of that kind at this session of Congress.

Mr. MACON. I think I objected to some of that very character two weeks ago, and to be consistent I will have to object to this.

Mr. MANN. The gentleman may have objected to those bills, but the bills were passed.

Mr. BONYNGE. I will say to the gentleman from Arkansas that it was a bill of mine that he objected to, and afterwards he withdrew his objection.

Mr. MACON. Then in order to be consistent, Mr. Speaker, I will have to withdraw this objection. [Laughter.]

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

WILLIAM F. SMITHEY.

The next business on the Private Calendar was House resolution 421 (in lieu of H. R. 21781), referring to the Court of Claims the claim of William F. Smithey.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21781) for the relief of William F. Smithey, 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.

Mr. MACON. Mr. Speaker, I would like to have an explanation of that.

Mr. GAINES of Tennessee. I reserve the right to object.

Mr. CLARK of Missouri. This is a claim of $200 or $300 for feed taken during the war. It is to be referred to the Court of Claims—this one and the next one right under it. It is supported by affidavit as to the value of the property and the loyalty of the claimant.

Mr. GAINES of Tennessee. Mr. Speaker, I submit that we are having an object lesson here to-day which I have had in mind for a long time, which shows when you get down to dealing squarely with the people of the country under the rules of this House, we do not do it. I submit to this House whether it is right, whoever the gentleman is, whether myself or any other gentleman, by simply rising and saying "I object," and thereby defeat the consideration of a claim and stifle the voice of some unfortunate man, woman, or child somewhere in the United States. There should be some other rule by which the people can have their claims considered and paid by this House.

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

The resolution was agreed to.

JOSEPH S. MUSTER.

The next business on the Private Calendar was the House resolution 422 (in lieu of H. R. 21782), referring to the Court of Claims the claim of Joseph S. Muster.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21782) for the relief of Joseph S. Muster, 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? [After a pause] The Chair hears none.

The resolution was agreed to.

GEORGE W. WICKES.

The next bill on the Private Calendar was the bill (H. R. 18639) for the relief of George W. Wickes.

The Clerk read the bill.

Mr. MACON. I object.

WILLIAM PARKER SEDGWICK.

The next business on the Private Calendar was the bill (H. R. 22017) for the relief of William Parker Sedgwick and others, and for other purposes.

The Clerk read the bill.

Mr. MANN. To save time, Mr. Speaker, as this is an omnibus bill, I object.

Mr. BUTLER. Mr. Speaker, that bill was passed six weeks ago.

Mr. MANN. It was passed at the last session of Congress in another bill.

The SPEAKER. Has this bill been enacted into law?

Mr. BUTLER. I will ask, Mr. Speaker, that the bill lie on the table.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

LEVI J. BILLINGS.

The next business on the Private Calendar was the bill (H. R. 8739) for relief of Levi J. Billings.

The Clerk read the bill.

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to hear some explanation.

Mr. MORSE. Mr. Speaker, let me explain that bill. This is a bill for the relief of a soldier who was serving in the war at Corinth just prior to the battle. He was promoted to second lieutenant. He did not receive his commission at that time. He was promoted to a lieutenant in another regiment and he had to go back to Wisconsin and receive his commission and join the other company. Now, he did not receive his pay as a private, neither did he receive his pay as a lieutenant during this time. His pay as a private ceased on his appointment as a second lieutenant, but on account of the fact that he did not join his company at once, on account of the fact that he was not cowardly, but stayed at the front, he did not receive his pay as a lieutenant.

Mr. MACON. Was there not a law authorizing the pay of lieutenants then?

Mr. MORSE. Certainly, there was.

Mr. ANSBERRY. He did not have his commission.

Mr. MORSE. He had not accepted his commission.

Mr. MACON. Then the gentleman wants him to be paid for services before he accepted the commission?

Mr. MORSE. No; I do not want him to be paid——

Mr. MACON. Or before he performed the services?

Mr. MORSE. No—yes, in a sense; before he performed them.

Mr. MACON. That is it.

Mr. MORSE. Well, he was serving and did not receive a penny for that service, and then he was in the hospital for part of that time.

Mr. MACON. Why does not the gentleman try to pass a bill to pay him for his services as a private instead of a lieutenant?

Mr. MORSE. Because he had been appointed a lieutenant.

Mr. MANN. Mr. Speaker, to save time, I object.

The SPEAKER. Objection is heard.

MARY S. FERGUSSON.

The next business was the bill (S. 6529) for the relief of Mary S. Fergusson.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MACON. I object.

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

Mr. MACON. Oh, yes; I reserve the objection.

Mr. COOPER of Wisconsin. Mr. Speaker, I think that the objection which the gentleman from Arkansas proposes to make is owing to his belief that the services rendered by Arthur Fergusson in the Philippines were for the Philippine government, and that, therefore, only the Philippine government ought to pay him. Mr. Speaker, the services of Arthur Fergusson in the Philippines were rendered in a very especial degree for the Government of the United States. In the Philippines and elsewhere they were services for the Government of the United States, which the Philippine Commission; which Justice Gray, formerly of the United States Senate; which John Bassett Moore; Secretary of War Wright, formerly governor-general of the Philippines; and everybody familiar with his services know and declare could not have been rendered by any other man. The Philippine Commission, by proclamation, ordered a day of general mourning for his death.

Secretary Taft, when Secretary of War, last spring called the attention of the Nation to the services rendered by Arthur Fergusson, declaring that they had been indispensable in bringing about harmonious relations between the Filipinos and the American Government in the Philippine Islands. He served us during the negotiations which resulted in the treaty of Paris, his services being so splendid that on motion of Mr. Rios, one of the representatives of Spain, Arthur Fergusson, an American, was made the official interpreter for the joint commission.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. MADDEN. Is the amount embodied in this bill provided to be paid to the widow of Mr. Fergusson intended as a compensation for services rendered by Mr. Fergusson?

Mr. COOPER of Wisconsin. It is to be paid by the United States, not in compensation, but as only a very slight recognition of the immeasurable value of the work done by that man for the Government of the United States.

Mr. MADDEN. In other words, it is a donation.

Mr. COOPER of Wisconsin. It is a donation to the widow of a man who did something for the United States. We did not hesitate to give hundreds of thousands of dollars to Italians three or four thousand miles from this country, who had never done anything for us. We made them the beneficiaries of our bounty. This man served his country faithfully and well at a time and under circumstances and with results which entitle his poor widow to call upon the generosity of the Government.

Mr. MADDEN. Will the gentleman yield for one further question? I simply want to call the gentleman's attention to the fact that what the Government did for the Italians was done because of great calamity. Does any such calamity exist in this case?

Mr. COOPER of Wisconsin. In just a moment I will answer that question before I finish.

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

Mr. COOPER of Wisconsin. Yes.

Mr. MANN. Does the gentleman think the services, however estimable, which this gentleman rendered to the Government are valuable enough to probably cost the Government in the end $10,000,000 or more, as this precedent would cost?

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to that argument of precedent, I should say that it never has appealed to me. I never could understand why, if I voted——

Mr. MANN. Well, Mr. Speaker, it appeals to me, and I object.

Mr. MILLER. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. MILLER. I understand that the bill under consideration is objected to.

Mr. MANN. I object.

Mr. COOPER of Wisconsin. Will the gentleman permit——

Mr. MANN. Mr. Speaker, if the gentleman will permit me, I would be glad to have the discussion continue, but there are a large number of bills on this calendar. I have none of them, and am not interested in any, but I think every Member is entitled to have his bill reached.

Mr. COOPER of Wisconsin. Will the gentleman from Kansas permit me to answer the question propounded by the gentleman from Illinois, as to whether I do not think that this will make a dangerous precedent?

Mr. MILLER. Yes, I would; but I call the attention of the gentleman to the fact that the gentleman from Illinois objects.

The SPEAKER. The gentleman from Illinois objects.

JAMES H. DOYLE.

The next business on the Private Calendar was the bill (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased.

The bill was read.

Mr. MACON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

M. H. PLUNKETT.

The next business on the Private Calendar was the bill (H. R. 8277) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank.

Mr. HOLLIDAY. Mr. Speaker, reserving the right to object, I would like to have somebody give some reason why this bill or similar bills——

The SPEAKER. The bill has not been read yet.

Mr. HOLLIDAY. Well, its purports are shown by its title, but I am willing to wait for it to be read.

The bill was read.

Mr. TALBOTT. Mr. Speaker, I ask to have the report read.

Mr. MANN. Mr. Speaker, I object.

JOHN A. TAFT.

The next business on the Private Calendar was the resolution (H. Res. 483) for the relief of John A. Taft.

The Clerk read as follows:

Resolved, That the bill (H. R. 7479) for the relief of John A. Taft, 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? [After a pause.] The Chair hears none.

The resolution was agreed to.

WILLIAM FRANCIS.

The next business on the Private Calendar was the resolution (H. Res. 484) for the relief of William Francis.

The Clerk read as follows:

Resolved, That the bill (H. R. 23799) for the relief of William Francis, 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? [After a pause.] The Chair hears none.

The resolution was agreed to.

GEORGE W. AND RICHARD B. COOPER.

The next business on the Private Calendar was the resolution (H. Res. 485) for the relief of the estates of George W. and Richard B. Cooper, deceased.

The Clerk read as follows:

Resolved, That the bill (H. R. 25189) for the relief of the estates of George W. and Richard B. Cooper, deceased, 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? [After a pause.] The Chair hears none.

The resolution was agreed to.

LEVI ADCOCK.

The next business on the Private Calendar was the resolution (H. Res. 486) for the relief of Levi Adcock.

The Clerk read as follows:

Resolved, That the bill (H. R. 3766) for the relief of Levi Adcock, 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? [After a pause.] The Chair hears none.

The resolution was agreed to.

C. W. SMITH.

The next business on the Private Calendar was the bill (H. R. 20613) to compensate C. W. Smith for services and disbursements made in the war with Spain.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. W. Smith, of Tampa, Fla., out of any funds in the Treasury not otherwise appropriated, the sum of $192, to compensate him for services rendered to and advances made for the United States during the late war with Spain.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask some gentleman if this matter ever went to the Navy Department or if there ever was an opinion from the Navy Department in reference to it?

Mr. HAUGEN. Mr. Speaker, I will say to the gentleman that this is for services rendered by this man as quartermaster. I see it is stated in the report that the papers have been lost. The papers were sent to Representative SPARKMAN, a Representative from Florida, and he vouches for the gentleman's integrity and that the papers are now lost.

Mr. MANN. Here is a claim that the man performed certain services for the navy. Now, I want to know whether this

bill for this claim was ever referred to the Navy Department to get their side of the question.

Mr. BIRDSALL. I can answer that, if the gentleman from Iowa will permit.

Mr. MANN. I will be very glad to get the information.

Mr. BIRDSALL. The claim was referred to the Navy Department; but the difficulty of this allowance arose from the fact that this man had served two months before the enlistment officer mustered him in, and then he was found to be too old and was rejected. In the meantime he had rendered these services. The claim has been referred to the Navy Department, and they said that they had no jurisdiction, because it did not appear that this man had ever been enrolled in the service, and the claim would have to come to Congress.

Mr. HAUGEN. He could not be enrolled on account of his age.

Mr. MANN. Here is a proposition to pay a man who claims pay for services performed for the navy, and I want to know if it has been referred to the Navy Department.

Mr. HAUGEN. The report of the committee is that the bill has never been referred——

Mr. BIRDSALL. I beg the gentleman's pardon, it has been referred to the Navy Department, and the gentleman from Iowa answered that question.

Mr. MANN. Oh, the gentleman from Iowa said that the claim had been taken up by the department and rejected. Has the committee any information upon this bill being referred to the Navy Department?

Mr. HAUGEN. The information that the committee got from the Navy Department was this, that this man's claim, he says, is based as quartermaster, that he was detailed by the Navy Department to serve as quartermaster, and upon the application to be mustered in he was found to be too old, and he could not be mustered in, so there is no question about the services and the claim.

Mr. MANN. Oh, I think there is a decided question about the services. If the Navy Department employed him, it ought to pay him; but if the Navy Department did not employ him, probably he ought not to be paid; but certainly we ought to have the information now whether the Navy Department did employ him. I could not hear what my distinguished friend from Iowa said, although I am not very far away from him, except I understood him to say the claim had been rejected by the Navy Department.

Mr. HAUGEN. It was rejected; that is true. But the claimant here was detailed to do this certain service.

Mr. MANN. Will either of the gentlemen from Iowa state, on his own knowledge of the case or personal knowledge of the papers, that this man was, in fact, employed or engaged by a proper official of the Navy Department?

Mr. HAUGEN. I so understand it.

Mr. BIRDSALL. Mr. Smith was a member of the Florida Naval Reserves, residing at Tampa. The services of this organization was tendered, as I understand it, by the governor of Florida to the Government.

Mr. MANN. If the gentleman will pardon me, I do not wish to take the time of the committee discussing the matter. I asked the gentleman whether he knows from his knowledge of the case if this gentleman was in fact employed by the Navy Department to do this work?

Mr. BIRDSALL. He was; and his services were accepted.

Mr. MANN. Then I make no objection.

The SPEAKER. The Chair hears no objection.

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

HENRY A. TOLBERT.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1004, the bill H. R. 7048.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7048) for the relief of Henry A. Tolbert.

Mr. MACON. I will have to object, I think.

Mr. CLARK of Missouri. I want to say that I objected to that this morning; but I have studied about it and gotten the hang of it, and I think I was wrong.

The SPEAKER. Is there objection?

Mr. MACON. I object to the return.

The SPEAKER. Is there objection to the consideration?

Mr. MILLER. That can be determined afterwards. I ask unanimous consent to return to Calendar No. 1004.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I will have to object to that, because I do not think it is fair to claims ahead of us to go back now to claims that we have passed over. If the gentleman will couple with his request that we go back and refer the omnibus war claims resolution——

Mr. MILLER. Mr. Speaker, I will say to the gentleman from Arkansas that I will be glad to ask unanimous consent to return to the consideration of any of these claims where the objection is withdrawn by the party making the objection.

Mr. MACON. We have a war claims resolution on the calendar to refer to the Court of Claims, and I am trying to get back to that as fast as I can.

The SPEAKER. Is there objection to returning to the bill referred to?

Mr. MACON. I withdraw the objection.

There was no objection.

The SPEAKER. Is there objection to its consideration? [After a pause.] The Chair hears none. 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, was read the third time, and passed.

HEIRS OF JENKINS & HAVENS.

The next business on the Private Calendar was the bill (H. R. 25361) for the relief of the heirs of Jenkins & Havens.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. MANN. I am going to object.

W. D. FARRON.

The next business on the Private Calendar was the resolution (H. Res. 495) for the relief of W. D. Farron.

The Clerk read as follows:

Resolution 495.

Resolved, That the bill (H. R. 16924) for the relief of W. D. Farron, 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 to the consideration of the resolution?

There was no objection.

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

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

CHARLES W. MUNN.

The next business on the Private Calendar was House resolution 496.

The Clerk read as follows:

Resolution 496.

Resolved, That the bill (H. R. 24503) for the relief of Charles W. Munn, 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 to the consideration of the resolution?

There was no objection.

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

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

DAVIS W. HATCH.

The next business on the Private Calendar was House resolution 497.

The Clerk read as follows:

Resolution 497.

Resolved, That the bill (H. R. 24107) for the relief of Davis W. Hatch, 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 to the consideration of the resolution?

There was no objection.

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

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

MAJ. C. DE W. WILCOX.

The next business on the Private Calendar was the bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France.

The Clerk read as follows:

Be it enacted, etc., That Maj. C. De W. Wilcox, U. S. Army, be, and he is hereby, authorized to accept the decoration and diploma of Officier d'Académie tendered to him, through the Department of State of the United States, by the Government of the French Republic; and the Department of State is hereby authorized to deliver to him the said decoration and diploma.

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

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

CITIZENS' BANK OF LOUISIANA.

The next business on the Private Calendar was the bill (H. R. 26245) for the benefit of the Citizens' Bank of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Objection is heard.

ADDISON L. BROWN.

The next business on the Private Calendar was the bill (H. R. 12080) for the relief of Addison L. Brown.

The bill was read.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER. Objection is made.

COLUMBUS GAS AND FUEL COMPANY.

The next business on the Private Calendar was the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company.

The bill was read.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection to the present consideration?

Mr. MACON. I will reserve the right to object, if the gentleman cares to be heard upon the claim.

Mr. EDWARDS of Georgia. I object.

The SPEAKER pro tempore. The Chair sees no one rising to object.

Mr. EDWARDS of Georgia (rising). I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

LOGAN NATURAL GAS AND FUEL COMPANY.

The next business on the Private Calendar was the bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company of Columbus, Ohio.

The bill was read.

Mr. EDWARDS of Georgia. I object to that also, Mr. Speaker.

The SPEAKER pro tempore. Objection is made.

WILLIAM J. CUSSEN.

The next business on the Private Calendar was the bill (H. R. 1622) for the relief of the estate of William J. Cussen.

The bill was read, as follows:

Be it enacted, etc., That a judgment recovered in favor of the United States against William J. Cussen and Nicholas A. Cullen in the circuit court for the eastern district of Virginia on the 31st day of January, 1870, for the sum of $1,968 and $40.40 costs, be, and the same is hereby, declared to be released and satisfied as to the estate of the said William J. Cussen, now deceased, and as to any estate, real or personal, acquired by the said Cussen subsequent to the date of the said judgment and aliened by him to others during his lifetime or owned by him at the time of his death, and the United States attorney for the eastern district of Virginia is hereby authorized and directed to mark on the order book of the court where the said judgment is recovered that the same has been satisfied.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. I would like to hear an explanation of the bill, and I reserve the right to object until I can hear something about it.

Mr. MILLER. I do not notice the gentleman from Virginia [Mr. LAMB] who introduced the bill.

Mr. MACON. The gentleman can explain the bill.

Mr. MILLER. I desire to call the attention of the gentleman from Arkansas to the facts here. This is a matter that came to our committee with a recommendation in which the Department of Justice said, "The case is undoubtedly a meritorious one, but requires the action of Congress." This is a clear case; there is no question about its merits. It is a very lengthy case and will require a long time to explain the facts of the case. I want to say to the gentleman if he will read the report carefully he will vote for the passage of the bill. I now yield to the gentleman from Virginia [Mr. LAMB], who will explain the matter.

Mr. MACON. Just give the facts in the case.

Mr. LAMB. Mr. Speaker, this is a case which authorizes no appropriation of money at all. It is only asking for the satisfaction of judgment which now stands as a cloud upon the title to certain land in the city of Richmond, so that there will be relief. This man was declared a bankrupt twenty to thirty years ago. It turned out afterwards that he had been security on an official bond, for which a fieri facias had been issued and returned "no effects." The judge of the court and the clerk of the court are both dead. Investigations have been made, and no evidence of the judgment can be found at all. Then the lawyers sought relief at the Department of Justice, and here is the reply of that department:

DEPARTMENT OF JUSTICE,
Washington, June 12, 1906.

GENTLEMEN: In the matter of the petition presented by you seeking relief on behalf of the Millhiser Manufacturing Company from the execution of a judgment entered in favor of the United States against William J. Cussen and Nicholas C. Mills in the United States circuit court for the eastern district of Virginia on the 31st day of January, 1870, the department advises you that after a careful consideration of all the facts it is clearly of opinion that the case is not one in which the department is authorized to afford relief.

The case is undoubtedly a meritorious one, but requires the action of Congress.

Respectfully,
M. D. PURDY,
Acting Attorney-General.

Messrs. GUY & GUY,
Attorneys at Law, Richmond, Va.

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

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

C. F. SUGG.

The next business was the bill (H. R. 16551) to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., the sum of $79.95, in full payment of his claim for damages inflicted upon the gasoline steamer Clyde by the light-house tender Oleander on the 3d day of August, 1907.

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

There was no objection.

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

PRIVATE PENSIONS.

The next business on the Private Calendar was the bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James P. Ritchie, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Stephens, late second lieutenant Company A, One hundred and fourteenth Regiment, and captain Company A, One hundred and fifty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Gemmill, late of Company D, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus S. Clason, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Luther W. Sanderson, late of Company G, First Regiment Iowa Volunteer Cavalry, and Company H, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel G. Crotty, late of Company F, Third Regiment, and Company F, Fifth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William McClarance, late of Company A, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin K. Hoyt, late of Company F, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Davis, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Kelley, late of Company H, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonidas Wilson, late of U. S. S. Benton and Clara Dolsen, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James S. Lee, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Dehrenberger, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Laillet, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis P. Waters, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and Company M, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Hay, late of Company D, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miles Gary, late of Company I, Forty-seventh Regiment, and Company H, Twenty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Bazel Lemley, late of Company I, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company H, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Wade, late of Company D, Cass County (Mo.) Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel W. Brumbaugh, late of Company B, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is receiving.

The name of John R. C. Hustead, late of Company C, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Fortney, late of Company H, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin H. Tyler, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Egbert, late of Company D, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jarrett C. Hackworth, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Zachariah T. Alexander, late of Company I, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louisiana A. Swafford, widow of Henry Swafford, late of Company A, Eighty-seventh Regiment, and Company H, Eighteenth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Sherman Swafford, helpless and dependent son of said Henry Swafford, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisiana A. Swafford the name of said Sherman Swafford shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Louisiana A. Swafford.

The name of Duncan N. Pritchett, late of Company C, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert E. Brown, late of Company I, Seventh Regiment Kentucky Volunteer Cavalry, and Company E, Sixth Regiment Kentucky Veteran Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elihu Wolf, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clayton E. Blackwell, late of Company C, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Vanburen Mitchell, late of Company D, Twenty-fifth Regiment, and Company E, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Hardy, former widow of James A. Hardy, late of Company F, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anthony Fornes, late of Thirty-fifth Independent Company, New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Flavious Josephus Ruley, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Martin, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Almy, late of Company A, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Rogers, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gideon S. White, late of Company C, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Forrister, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Northrup, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Trusty, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Brown, late unassigned, Fourteenth Regiment New York Volunteer Heavy Artillery, and Company H, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice E. Mahon, widow of James Mahon, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of John Newton Hunt, late of Company H, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Bibb, late of Company B, Thirteenth Regiment U. S. Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Whitney, late of Company D, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leander Merrill, late of Company B, Eighth Regiment U. S. Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth A. Hinman, widow of Walter C. Hinman, late of Company G, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Chillian Spanogle, late of Company I, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lytle Kays, jr., late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maurice I. Covert, late of Company E, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ruf, late of Company F, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sylvester Van Deusen, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Benjegerdes, late of Company D, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shaw, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Dodsley, late second lieutenant Company H, and first lieutenant Company K, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newton Wilson, late of Company D, Ninety-ninth Regiment, and Company D, Fiftieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Hawley, late of Company H, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Chase, late of Company A, Seventh Squadron Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas Burk, late of Company A, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Koogle, late of G. A. Bennett's company, Union Light Guards, Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Davis, late of Companies B and I, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. Garlock, late of Company I, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Simeon C. Chandler, late of Company D, Sixth Regiment Massachusetts Militia Infantry, Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, and Fifteenth Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham Shufelt, late of Company H, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. Koser, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Groosbeck, late of Company B, Twenty-ninth Regiment Indiana Vounteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Hislip, late of Company F, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron G. Allmond, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Lang, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Miller, late of Company B, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank W. Mills, late of Company C, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophia Eichelberger, widow of Uriah Eichelberger, late of Company A, One hundred and seventy-fourth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The name of John Johnson, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benoni Williams, late of Company G, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy Cox, widow of John T. Cox, late of Company B, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander Ingram, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Cline, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Brookbanks, late of Company A, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph G. Hutcheson, late of Company F, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas B. T. Anderson, late of Company G, Eighteenth

Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton G. Pattillo, late of Company D, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is receiving.

The name of Benjamin F. Green, late of U. S. S. Princeton, Minnesota, and Fort Jackson, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah J. Freeman, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton B. Evers, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lydia A. Stock, widow of Franklin O. Stock, late of Company H, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry G. Chritzman, late surgeon Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Ayers, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Egan, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gottlieb Granold, late of Company E, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison Griffis, late of Company D, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Zarley, late of Company G, One hundred and fourteenth Regiment, and Company F, One hundred and sixtieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Greer, late of Company B, Second Regiment West Tennessee Volunteer Cavalry, subsequently Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Holt, late of Company K, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma Hooper, widow of Isaac Hooper, late of Company M, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Asa P. Boardman, late of Company I, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses Wadleigh, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Carraway, late of Company C, Fifth Regiment New Hampshire Volunteer Infantry, and Company L, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Granville F. McClure, late of Company K, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Haney, late of Company H, Seventeenth Regiment, and Companies E and C, Sixtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Van Horn, late of Company A, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Vanhoozer, late of Company A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marcus H. Ingram, late of Company D, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Jaworski, alias Thomas Oskey, late of Company C, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Barrow, late of Company C, One hundred and thirteenth Regiment, and Company C, One hundred and twentieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Paul Seifrid, late of Company H, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy A. Bush, widow of William Bush, late of Company B, First Regiment, and Company F, Sixth Regiment, Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Eva B. Lynch, helpless and dependent child of Uriah Lynch, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Pliney A. Bailey, late of Company F, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Williams, late of Company E, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hissong, late of Company C, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mahlon Baker, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel T. Booz, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Barkheimer, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Ray, late of Company H, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William B. Estes, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Hausdorf, alias Frank Houston, late of Company A, and major, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pary McNair, late of Company H, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Knowlson, late surgeon One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan Hull, late of Sixteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine E. Fisk, widow of George A. Fisk, late captain Company D, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen F. Smith, late of Battery E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Murray, late of Company A, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Hamilton, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel F. Dennen, late of Thirtieth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Lasey, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Croft, late of Company E, Seventy-second Regiment, and Company H, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Russell Bell, late of Company G, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Purdy, late of Company D, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Gilson, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward F. Wilson, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Leander Wyrick, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvester T. Clancy, late of Company M, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses Charbonneau, alias Cole, late of Company I, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Taylor Hall, helpless and dependent child of John Hall, late of Company H, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Robert W. Foster, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alonzo R. Sharp, late of Company B, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. Vaughen, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas M. Tibball, late of U. S. S. North Carolina, Marion, and Ohio, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bridget Hopkins, widow of Patrick Hopkins, late of Company H, Ninetieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lizzie Hopkins, helpless and dependent daughter of said Patrick Hopkins, the additional pension herein granted shall cease and determine.

The name of George L. Gilbert, alias Luther G. Price, late of Company A, Sixth Regiment, and Company A, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eli T. Forrester, late of Company C, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey A. P. Doyle, late of Company H, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Wean, late of Twenty-second Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elnathan Sweet, late of Company C, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Beck, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Carrington, late of Company F, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Mooneyham, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Reuter, late of Company I, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George M. Evans, late of Company H, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen C. Rose, late of Company G, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David M. Roseberry, late of Company B, One hundred and thirty-seventh Regiment, and Company H, One hundred and forty-fifth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin M. Hutchins, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Conley, late of U. S. S. Wabash and Siren, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Phipps, late of band, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Madison, late of Company H, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert S. Graves, late of Company K, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Stevens, late second lieutenant Company C, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Underwood, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James K. Winant, late of Company A, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alice S. Sturgeon, widow of George W. Sturgeon, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month: *Provided, however,* That such pension shall cease upon proof that the soldier is living.

The name of Samuel K. Galbaugh, late of Company K, One hundred and ninety-third Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore Lawrence, late of Company A, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Smith, late of Company E, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Keeler, late of Company G, Thirty-seventh Regiment, Company I, Eighty-eighth Regiment, and Company I, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses Farris, late of Company A, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel J. Dampman, late of Company A, Fourteenth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company B, Nineteenth Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Wells, late of Company C, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Butler, late of Company D, Twenty-fourth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Vail, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gillon, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Strickland, late of Company E, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Westwood, late of Company A, First Battalion Nevada Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Smithson, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Burgess Ray, late of Campany K, One hundred and first Regiment, and Company K, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Gour, late of Company E, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. McVicker, late first lieutenant and captain Company D, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Guy Mazza, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Arnold, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emri Sites, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Goodman, late of Company M, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Blythe, late first lieutenant Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Buie, late of Company E, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gardner Wells, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah Burton, widow of Charles Burton, late of Company K, Eighth Regiment, and Company C, Fourth Regiment, New York Volunteer Heavy Artilley, and pay her a pension at the rate of $12 per month.

The name of William E. Bybee, late of Company L, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George R. Cross, late of Company A, Sixty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Welch, late of Company A, First Regiment U. S. Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Barry, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Murray, late of U. S. S. Kensington, Tennessee, and Sciota, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Stanton, widow of George P. Stanton, late of Company B, Seventh Regiment, and Company D, Forty-sixth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas J. Necessary, late of Company K, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William Ira Annin, late of Company E, One hundred and forty-first Regiment New York Volunteer Infantry, and Company F, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac F. Smith, late of Company B, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. McDermott, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Hemings, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Cotrel, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Watson, late of Company D, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Garrett, late of Troop G, First Regiment U. S. Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Roausch, late of Company H, Twelfth Regiment, and Company F, Fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Crayne, late of Company E, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Robertson, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles C. Sabin, late of Company A, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas R. Wethy, late of Company E, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Hapgood, late of Company C, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Wilson, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Warren S. Dungan, late lieutenant-colonel Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of William E. Taylor, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick A. Griffith, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orlando Fountain, late captain Company E, and major, Eighty-sixth Regiment Illinois Volunteer Infantry, and first lieutenant Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Peck, late of Company H, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Vosburg, late of Company B, Thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James G. Moe, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Plummer, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Van Buren, late of Cooley's Chicago mercantile battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Howard, late sergeant-major One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. C. Megill, late of Company F, Seventy-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lancaster D. Baldwin, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Aldrich, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jay D. Howard, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sear S. Johnson, late of Company G, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 851. James P. Ritchie;
H. R. 1578. Thomas J. Stephens;
H. R. 1718. William N. Gemmill;
H. R. 2449. Cyrus S. Clason;
H. R. 2769. Luther W. Sanderson;
H. R. 2778. Daniel G. Crotty;
H. R. 2960. William McClarance;
H. R. 3119. Franklin K. Hoyt;
H. R. 3129. Isaac Davis;
H. R. 3132. David Kelley;
H. R. 3524. Leonidas Wilson;
H. R. 3688. James S. Lee;
H. R. 3808. John Dehrenberger;
H. R. 4494. John B. Laillet;
H. R. 4983. Francis P. Waters;
H. R. 5526. William W. Hay;
H. R. 5980. Miles Gary;
H. R. 6517. Bazel Lemley;
H. R. 6665. George W. Wade;
H. R. 7058. Daniel W. Brumbaugh;
H. R. 8344. John R. C. Hustead;
H. R. 8425. Andrew Fortney;
H. R. 8444. Edwin H. Tyler;
H. R. 8643. Thomas Egbert;
H. R. 8687. Jarret C. Hackworth;
H. R. 8688. Zachariah T. Alexander;
H. R. 9556. Louisiana A. Swafford;
H. R. 9563. Duncan N. Pritchett;
H. R. 10828. Albert E. Brown;
H. R. 11007. Elihu Wolf;
H. R. 11155. Clayton E. Blackwell;
H. R. 11414. Vanburen Mitchell;
H. R. 12725. Margaret Hardy;
H. R. 12777. Anthony Fornes;
H. R. 13255. Flavious Josephus Ruley;
H. R. 13350. Henry H. Martin;
H. R. 14526. William Almy;
H. R. 14701. John W. Rogers;
H. R. 16147. Gideon S. White;
H. R. 16779. John Forrister;
H. R. 16782. Andrew J. Northrup;
H. R. 16921. William Trusty;
H. R. 17150. William H. Brown;
H. R. 17642. Alice E. Mahon;
H. R. 17919. John Newton Hunt;
H. R. 18022. Henry Bibb;
H. R. 18190. George W. Whitney;
H. R. 18466. Leander Merrill;
H. R. 18604. Elizabeth A. Hinman;
H. R. 19055. Chillian Spanogle;
H. R. 19126. Lytle Kays, jr.;
H. R. 19515. Maurice I. Covert;
H. R. 19568. John Ruf;
H. R. 19593. Sylvester Van Deusen;
H. R. 19835. John F. Benjegerdes;
H. R. 19837. John Shaw;
H. R. 19879. William R. Dodsley;
H. R. 20076. Newton Wilson;
H. R. 20169. James A. Hawley;
H. R. 20277. Henry M. Chase;
H. R. 20330. Thomas Burk;
H. R. 20506. Milton Koogle;
H. R. 20596. Joseph A. Davis;
H. R. 20668. David A. Garlock;
H. R. 21119. Simeon C. Chandler;
H. R. 21417. Abraham Shufelt;
H. R. 21418. Samuel W. Koser;
H. R. 21553. John Groosbeck;
H. R. 21598. James M. Hislip.
H. R. 21603. Aaron G. Allmond;
H. R. 21864. John C. Lang;
H. R. 22136. John L. Miller;
H. R. 22137. Frank W. Mills;
H. R. 22396. Sophia Eichelberger;
H. R. 22426. John Johnson;
H. R. 22429. Benoni Williams;
H. R. 22439. Isaac Y. Taylor;
H. R. 22504. Nancy Cox;
H. R. 22549. Alexander Ingram;
H. R. 22666. John Cline;
H. R. 22700. John Brookbanks;
H. R. 22701. Joseph G. Hutcheson;
H. R. 22708. Thomas B. T. Anderson;
H. R. 22749. Milton G. Pattillo;
H. R. 22778. Benjamin F. Green;
H. R. 22787. Elijah J. Freeman;
H. R. 22951. Milton B. Evers;
H. R. 22958. Lydia A. Stock;
H. R. 23056. Henry G. Chritzman;
H. R. 23134. Edward Ayers;
H. R. 23198. John Egan;
H. R. 23227. Gottlieb Granold;
H. R. 23313. Harrison Griffis;
H. R. 23376. Samuel Zarley;
H. R. 23442. William L. Greer;
H. R. 23455. James F. Holt;
H. R. 23483. Emma Hooper;
H. R. 23673. Asa P. Boardman;
H. R. 23674. Moses Wadleigh;
H. R. 23675. Joseph Carraway;
H. R. 23676. Granville F. McClure;
H. R. 23812. James H. Haney;
H. R. 23967. Charles A. Van Horn;
H. R. 23992. William R. Vanhoozer;
H. R. 24019. Marcus H. Ingram;
H. R. 24127. Thomas Jaworski;
H. R. 24128. John F. Barrow;
H. R. 24166. Paul Seifrid;
H. R. 24177. Nancy A. Bush;
H. R. 24218. Eva B. Lynch;
H. R. 24253. Pliney A. Bailey;
H. R. 24255. Joseph Williams;
H. R. 24256. George W. Hissong;
H. R. 24257. Mahlon Baker;
H. R. 24261. Joel T. Booz;
H. R. 24312. Jacob Barkheimer;
H. R. 24323. William Ray;
H. R. 24360. William B. Estes;
H. R. 24455. Charles F. Hausdorf;
H. R. 24459. Pary McNair;
H. R. 24470. John Knowlson;
H. R. 24496. Jonathan Hull;
H. R. 24524. Catherine E. Fisk;
H. R. 24578. Stephen F. Smith;
H. R. 24579. George W. Murray;
H. R. 24597. James Hamilton;
H. R. 24599. Samuel F. Dennen;
H. R. 24667. John F. Lasey;
H. R. 24738. John Croft;
H. R. 24804. Russell Bell;
H. R. 24865. William H. Purdy;
H. R. 24948. James Gilson;
H. R. 24985. Edward F. Wilson;
H. R. 24992. Leander Wyrick;
H. R. 25010. Sylvester T. Clancy;
H. R. 25088. Moses Charbonneau;
H. R. 25187. Taylor Hall;
H. R. 25195. Robert W. Foster;
H. R. 25196. Alonzo R. Sharp;
H. R. 25206. Joseph L. Vaughen;
H. R. 25229. Thomas M. Tibball;
H. R. 25236. Bridget Hopkins;
H. R. 25238. George L. Gilbert;
H. R. 25261. Eli T. Forrester;
H. R. 25360. Harvey A. P. Doyle;
H. R. 25378. James H. Wean;
H. R. 25390. Elnathan Sweet;
H. R. 25444. George H. Beck;
H. R. 25455. James Carrington;
H. R. 25457. Henry Mooneyham;
H. R. 25506. Christian Reuter;
H. R. 25507. George M. Evans;
H. R. 25523. Allen C. Rose;
H. R. 25527. David M. Roseberry;
H. R. 25528. Benjamin M. Hutchins;
H. R. 25598. Thomas Conley;
H. R. 25607. William H. Phipps;
H. R. 25608. John R. Madison;
H. R. 25613. Albert S. Graves;
H. R. 25620. George C. Stevens;
H. R. 25624. James Underwood;
H. R. 25637. James K. Winant;
H. R. 25709. Alice S. Sturgeon;
H. R. 25721. Samuel K. Galbaugh;
H. R. 25731. Theodore Lawrence;
H. R. 25732. Henry Smith;
H. R. 25733. John M. Kecler;
H. R. 25773. Moses Farris;
H. R. 25774. Samuel J. Dampman;
H. R. 25781. Charles H. Wells;
H. R. 25787. John H. Butler;
H. R. 25803. John D. Vail;
H. R. 25832. John Gillon;
H. R. 25855. David Strickland;
H. R. 25895. Joseph M. Westwood;
H. R. 25916. Isaac Smithson;
H. R. 25917. Burgess Ray;
H. R. 25934. Isaac Gour;
H. R. 25935. George W. McVicker;
H. R. 25953. Guy Mazza;
H. R. 25975. James Arnold;
H. R. 26012. Emri Sites;
H. R. 26017. George W. Goodman;
H. R. 26018. Thomas Blythe;
H. R. 26019. James H. Buie;
H. R. 26054. Gardner Wells;
H. R. 26133. Hannah Burton;
H. R. 26158. William E. Bybee;
H. R. 26160. George R. Cross;
H. R. 26184. Henry Welch;
H. R. 26253. Michael Barry;
H. R. 26262. Martin Murray;
H. R. 26265. Mary A. Stanton;
H. R. 26269. Thomas J. Necessary;
H. R. 26271. William Ira Annin;
H. R. 26313. Isaac F. Smith;
H. R. 26336. John A. McDermott;
H. R. 26337. Elijah Hemings;
H. R. 26338. William A. Cotrel;
H. R. 26359. Charles Watson;
H. R. 26393. James W. Garrett;
H. R. 26415. Charles Roausch;
H. R. 26442. Joseph A. Crayne;
H. R. 26443. William H. Robertson;
H. R. 26448. Charles C. Sabin;
H. R. 26452. Silas R. Wethy;
H. R. 26460. Lewis Hapgood;
H. R. 26529. William J. Wilson;
H. R. 26532. Warren S. Dungan;
H. R. 26539. William E. Taylor;
H. R. 26567. Frederick A. Griffith;
H. R. 26568. Orlando Fountain;
H. R. 26640. William S. Peck;
H. R. 26652. James Vosburg;
H. R. 26653. James G. Moe;
H. R. 26654. John A. Plummer;
H. R. 26658. Charles H. Van Buren;
H. R. 26659. John Howard;
H. R. 26660. William S. C. Megill;
H. R. 26691. Lancaster D. Baldwin;
H. R. 26847. Charles Aldrich;
H. R. 26935. Jay D. Howard; and
H. R. 26936. Sear S. Johnson.

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

There was no objection.

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

CERTAIN NAVAL CLAIMS.

The next business on the Private Calendar was the bill (H. R. 26975) to pay certain claims against the Government arising in the Navy Department.

The Clerk began reading the bill.

Mr. MACON. Mr. Speaker, this seems to be a very long bill, and I am going to object to its present consideration.

Mr. WALDO. I hope the gentleman will withdraw that objection. This bill covers a number of small claims from the Navy Department, payment of which is requested by the department.

The SPEAKER pro tempore. The gentleman from Arkansas has objected.

Mr. WALDO. I will ask him to withhold his objection.

Mr. MACON. Mr. Speaker, I will say that I am very anxious to get back to the war claims resolution that has been objected to, and I do not see any way to get back to it if we read long bills now.

Mr. WALDO. Here are 28 claimants——

The SPEAKER pro tempore. The gentleman has objected, and has not withdrawn his objection. The Clerk will read the next bill.

MARTHA E. WEST.

The next business on the Private Calendar was the bill (H. R. 3674) for the relief of Martha E. West.

The bill was read, as follows:

Be it enacted, etc., That the claim of $1,500 of Martha E. West, for lumber composing a sawmill and taken in 1865 by United States troops in the Sioux Indian war in Minnesota and used for the construction of a stable, is hereby referred for adjudication on principles upon which claims were paid by the commission under act of Congress of February 16, 1863, to the Court of Claims, which may regard as competent evidence any affidavits or papers relating to the claim and on file in the departments or in the courts, and give such weight thereto as is proper. Any judgment rendered by the court for the claimant shall be paid to her or to her personal representative out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

ESTATE OF T. J. SEMMES, DECEASED.

The next business on the Private Calendar was the bill (H. R. 24105) for the relief of the estate of T. J. Semmes, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myra E. Semmes, executrix and sole legatee of T. J. Semmes, late of New Orleans, deceased, $395.55 in full payment for rents collected by the United States during the civil war from property owned by the said T. J. Semmes and situate at New Orleans, La.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

A. M. DARLING AND F. C. DARLING.

The next business on the Private Calendar was the bill (H. R. 3670) for the relief of A. M. Darling and F. C. Darling.

The Clerk read the bill at length.

Mr. MANN. I object.

HORACE B. GARDNER.

The next business on the Private Calendar was the resolution (H. Res. 510, in lieu of H. R. 26403) referring to the Court of Claims the claim of the legal representatives of Horace B. Gardner.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 26403) for the relief of the legal representatives of Horace B. Gardner, 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 pro tempore (Mr. SHERMAN). Is there objection to the present consideration?

There was no objection.

The resolution was agreed to.

ROBERT MICHAELS.

The next business on the Private Calendar was the resolution (H. Res. 511, in lieu of H. R. 5661) referring to the Court of Claims the claim of Robert Michaels.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 5661) for the relief of Robert Michaels, 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 pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

SARAH E. TERRILL.

The next business on the Private Calendar was the resolution (H. Res. 512, in lieu of H. R. 17072) referring to the Court of Claims the claim of Sarah E. Terrill.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 17072) for the relief of Sarah E. Terrill, 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 pro tempore. Is there objection?

There was no objection.

The resolution was agreed to.

WILLIAM TAYLOR AND JAMES TAYLOR.

The next business on the Private Calendar was the resolution (H. Res. 513, in lieu of H. R. 26312) referring to the Court of Claims the claim of the legal representatives of William and James Taylor, deceased.

The Clerk read the bill at length.

Mr. MANN. I object.

NATHANIEL HUNTLEY.

The next business on the Private Calendar was the bill (H. R. 24995) for the relief of Nathaniel Huntley.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws the record of the muster of Nathaniel Huntley into the military service of the United States as a member of Company E, Fifth Regiment Michigan Cavalry Volunteers, shall be held to be void and without effect, said Huntley never in fact having been mustered into the service as a member of that organization and never having rendered any service with it, but served as a member of Company A, One hundred and fourth Regiment New York Volunteers, and was honorably discharged from that organization.

Mr. MANN. I object.

Mr. JENKINS. Mr. Speaker, I ask the gentleman from Illinois to withhold his objection a moment, until I can make a statement.

Mr. MANN. I am perfectly willing to reserve the right to object; but I say to the gentleman from Wisconsin that the evidence in this case shows that this man deserted twice, tried to shoot his commanding officer once, and it seems to me that is a hard record to get over.

Mr. JENKINS. Oh, there is no such record as that here. This man is charged with having been in a regiment that he never was connected with, but served honorably through the war and received an honorable discharge. It is true that he got into some trouble down at the depot in Washington and a court of inquiry was organized and he was acquitted and returned to duty, and no fault whatever was found with him.

Mr. MANN. He admitted that he deserted at home, that he deserted in Washington, and that he tried to shoot his commanding officer once.

Mr. JENKINS. The gentleman is mistaken in that statement.

Mr. MANN. All I know about it is what the report says. I say to the gentleman frankly I am not acquainted with this man at all.

Mr. JENKINS. He was tried by a court and acquitted and returned to duty. The only difficulty in his case is that he is charged with having served in a regiment that he never was connected with, and I want to get his military record corrected by striking that out. He served honorably in a New York regiment and received an honorable discharge.

Mr. MANN. The evidence shows that this man joined the regiment but never was mustered in, and while waiting to be mustered in he assaulted the lieutenant of the organization and then deserted and ran away.

Mr. JENKINS. He did not desert, because he never was mustered in.

Mr. MANN. If he did not desert he could get a pension. He appears on the rolls as a deserter, and that is what the gentleman from Wisconsin wants to overcome.

Mr. JENKINS. He is not reported as a deserter anywhere. This record says that he never was carried as a deserter. I may say to the gentlemen of the House that the War Department undoubtedly got into this error because in the early days of the war there seems to have been more men in a company than was necessary.

He undoubtedly went there to join a command, the Michigan regiment, but they did not want him, and he did get into some trouble with an officer, but he was never mustered in and never associated with it. He went to New York and served honorably all through the war. He got his pension, and later the department discovered the fact that he was connected with this Michigan cavalry regiment and then discontinued his pension, but not upon the ground that he was a deserter, because the records show that he never was carried as a deserter anywhere on any record; never discharged from the Michigan cavalry regiment.

Mr. MANN. Why did they stop his pension?

Mr. JENKINS. I can not answer that. We just simply want his record corrected, so that it will not be charged against him that he was a member of a regiment he was never associated with.

Mr. MANN. The gentleman is mistaken. The records would apparently show this man was mustered into the service. He says he thought he was not mustered into the service and deserted because he had assaulted the lieutenant commanding him, and that is the reason they dropped him from the pension rolls.

Mr. JENKINS. The gentleman is mistaken. Here is the letter from the War Department:

His name is not borne on the subsequent rolls of the company, and no further or other record of him whatever as of that organization has been found.

He never served with them or had any connection with them, and yet at the same time the records show that he was connected with that company, but in fact he never was.

Mr. MANN. The gentleman says one minute the record shows that he was not connected with it and the next that he was.

Mr. JENKINS. Here is a feeble old man, hardly able to get around, a man who has been drawing his pension for years, and lately they have discovered this condition and have discontinued his pension. He is powerless, living on the county, and he simply asks this be corrected to show that he was never connected with the regiment and never mustered in. I trust the gentleman will not object on a matter of that kind.

Mr. MANN. Well, Mr. Speaker, I believe I will not object, although I think I am to be criticised for not doing so.

The SPEAKER pro tempore. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

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

RELIEF OF CERTAIN OFFICERS, UNITED STATES SIGNAL CORPS.

The next business was the bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps.

The Clerk read the bill, as follows:

Be it enacted, etc., That the expenses of operating and keeping in repair the northwestern section of the United States military telegraph lines (from Bismarck to Fort Ellis and connections), constructed under act of Congress approved June 20, 1878, which, between the 20th day of June, 1878, and the 30th day of June, 1883, may have been paid out of moneys received from dispatches sent over said section, be, and the same are hereby, authorized and allowed; and the several officers making such payments are entitled to and shall receive proper credit therefor upon examination of their respective accounts: *Provided*, That said accounts conform in all other respects to the rules of the War and Treasury departments governing the disbursements of public moneys.

The SPEAKER pro tempore. Is there objection to its consideration?

Mr. MACON. Mr. Speaker, I would like to hear some explanation of the bill. I object until I can hear an explanation of the merits of the measure.

Mr. GOULDEN. Mr. Speaker, in the introduction of this bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps, I had in view the case of George S. Grimes, U. S. Army, retired. A brave soldier, with a splendid record of forty-five years in the service of his country, deserving every consideration. He enlisted on August 16, 1862, in the One hundred and sixteenth Regiment New York Infantry, rising on his merits through all the grades, until August 12, 1907, when, on account of serious illness, he was, at his own request, retired as a brigadier-general. While serving in Indian Territory, Texas, Dakota, and Montana from 1876 to 1883, in accordance with custom, he collected and paid out all told $30,549.49 for operating and maintaining the lines, which was approved by his superior officers. A law was enacted June 20, 1878, requiring these moneys so collected to be paid into the United States Treasury. Without knowing of this law, never having been notified of the change, General Grimes continued the practice of paying out these sums as heretofore. While there is not a cent due the Government, and so admitted by the officials, General Grimes's account stands charged with $30,549.49.

The letter from General Allen, who is in charge of the Signal Service of the Army, will explain something in reference to this matter. The letter is in the report, and it is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, December 15, 1908.

SIR: I take the liberty of inviting your attention to H. R. bill 2950, introduced by Mr. GOULDEN, of New York, on December 2, 1907, and to House of Representatives Document No. 660, Fifty-ninth Congress, first session, which makes report on an identical bill, and which fully explains the measure.

Recently, at the informal instance of the Treasury Department, I wrote General Grimes asking that he give this matter his attention. I received in reply a letter from his wife stating that General Grimes is very ill, suffering from nervous prostration, and totally incapable of attending to any business.

This is a matter which, as you know, has been hanging a long time, and the Treasury and War departments are, of course, anxious that it should be cleared up. From the report referred to, it seems that General Grimes was practically blameless in the matter. If a favorable report is made by the committee, it may be possible that the case could be completed at the present session of Congress.

Very respectfully, your obedient servant,

JAMES ALLEN,
Brigadier-General, Chief Signal Officer of the Army.

Hon. JAMES M. MILLER, M. C.,
House of Representatives, Washington, D. C.

I will now read in explanation the letter of General Grimes himself, of date January 22, 1906.

Mr. MACON. What is the amount?

Mr. GOULDEN. Thirty thousand five hundred and forty-nine dollars and forty-nine cents, but there is no claim made against the Government. It is simply to clear up the record. He is very desirous to have it done, because of the fact that he wanted it and because it is so excellent. Quoting from the letter of January 22, 1906, to the War Department, I read:

My responsibility for the expenditure of the funds in question I consider was discharged—the integrity of the accounts not being in question—when I rendered, in the form and manner prescribed by the Signal Department, the monthly accounts current, as they became due, and when they were approved by that department.

Mr. MACON. Mr. Speaker, if the gentleman will allow me to interrogate him, I think we can get along very much faster than by having him read the letter.

Mr. GOULDEN. Very well.

Mr. MACON. I want to know what the trouble is. Is the man a delinquent?

Mr. GOULDEN. No.

Mr. MACON. Then why do you want to clear up his record?

Mr. GOULDEN. We want to clear it up, and I was reading from his own letter explanatory about it. He expended the money while he was in charge of the Signal Service.

Mr. MACON. He expended over $30,000?

Mr. GOULDEN. Yes. He was not at that time authorized to expend this money, but it was approved by the department. It was found afterwards that he acted without authority, but there is no question of any money due the Government whatever.

Mr. MACON. Is the Government holding him responsible for this amount?

Mr. GOULDEN. Yes; it is charged to his account.

Mr. MILLER. Yes; it is. Mr. Speaker, I desire to say to the gentleman from Arkansas that these amounts are charged up against the officers. General Grimes is one of them. There are a number of them. These amounts are charged up against them in the department, and they are asking now the adjustment of these accounts, for the reason that the moneys they collected for private telegrams were used for the maintenance of the telegraph lines, as had been done for years; but the law was changed, and after the change of the law they had no right to use the money they collected for private telegrams in the repair of the telegraph lines.

But, under the command of his superior officer, he continued to use the money collected in this way, and when the matter was presented to the department the department refused to allow him credit for it, and it exists now as a charge against these officers, and we are asking now that this account simply may be adjusted.

Mr. MACON. How long has it been standing against him?

Mr. MILLER. For years, and the department has appealed to Congress to make this ruling that they may be relieved. It is not a question of paying any money; nobody is out anything.

Mr. CLAYTON. Mr. Speaker, I understand this is merely a claim which is to get rid of a technical objection urged by the department against certain men, which is a perfectly proper claim, and so recognized by everybody.

Mr. MACON. The hardest hill I have to climb in connection with this case is that it seems to be so innocent, so little objection to its passage, that I can not understand why Congress has

heretofore allowed such a little thing to stand in the way of the passage of a bill that would give to this claimant the relief that gentlemen say he is so eminently entitled to.

Mr. MILLER. I will say to the gentleman from Arkansas in explanation of that, that prior to June, 1878, moneys received from private telegrams sent over United States military telegraph lines were used for the maintenance and repair of the lines, but at that time the law was changed.

Mr. MACON. But you say this has been before Congress for several years.

Mr. MILLER. At that time the law was changed and they could no longer pay out money that way, but this officer never received any notice of the passage of that law, and under the command of his superior officer he continued to pay out money collected in that way for the repair of lines. Had he not done that and turned this money into the Treasury Department, why the Government would have had to pay——

Mr. CLAYTON. And the Government got the benefit of this expenditure——

Mr. MILLER. Absolutely.

Mr. MANN. The gentleman has not quite fully stated the merits of the case, if the gentleman will pardon me. He said for the repair of the lines——

Mr. MILLER. Maintenance and repair.

Mr. MANN. And for the operation, if the gentleman will pardon me. It is the custom now to turn in fees coming from government telegraph lines into the Treasury as miscellaneous receipts. It was formerly the custom to use the receipts for the payment of operating expenses, and that was being done upon these telegraph lines, and thereupon Congress passed a law requiring, properly, that all receipts for the Government should be turned into the Treasury as miscellaneous receipts. This officer was in charge of certain telegraph lines, and operating them with receipts coming in from private persons for private telegraph services. He continued to do that, although Congress had passed a law. Of course, theoretically it was his business to know——

Mr. MACON. I was going to ask in that connection, what advantage have employees or officers of the Government over private persons along that line; ought they not to be required to have knowledge of the law just as private citizens are required to do?

Mr. MANN. Theoretically he was supposed to know what the act of Congress was, but practically he did not know, and his superior directed him to continue paying these, so that even the superior here did not understand this act of Congress applied to this service. Now, it is admitted this money which is charged against the man was used by him in operating the government telegraph lines for the benefit of the Government.

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

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

J. C. HAGGARD.

The next business on the Private Calendar was the bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn.

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 refund and pay, out of any money in the Treasury not otherwise appropriated, to J. C. Haggard, of White County, Tenn., the sum of $73.59, for tax paid on 66.9 gallons of whisky, the warehouse having previously been unlawfully broken into and said 66.9 gallons of whisky stolen, without fault or negligence on said Haggard's part.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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

J. W. PATTERSON.

The next business on the Private Calendar was the bill (H. R. 19579) for the relief of J. W. Patterson.

The bill was read.

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

Mr. MANN. Mr. Speaker, I object.

S. R. GREEN.

The next business on the Private Calendar was the bill (S. 212) to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to S. R. Green, postmaster at Oregon City, Oreg., the sum of $206.40, to reimburse him for key-deposit funds lost by burglary on December 17, 1896.

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

There was no objection.

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

CAPT. GEORGE VAN ORDEN, U. S. MARINE CORPS.

The next business on the Private Calendar was the bill (S. 568) for the relief of Capt. George Van Orden, U. S. Marine Corps.

The Clerk read as follows:

Be it enacted, etc., That the sum of $291.37 be, and it is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and placed to the credit of Capt. (formerly First Lieut.) George Van Orden, U. S. Marine Corps, in the final settlement of his accounts as acting commissary of subsistence, United States Army, island of Guam, by the Auditor for the War Department, in lieu of government funds to the same amount which were stolen and embezzled by a clerk in the office of the commissary of subsistence, island of Guam, in the year 1901, on account of the theft of which sum the accounts of the said Capt. (formerly First Lieut.) George Van Orden, U. S. Marine Corps, are now suspended in the office of the Auditor for the War Department.

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

There was no objection.

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

LEGAL REPRESENTATIVES OF WILLIAM AND JAMES TAYLOR, DECEASED.

Mr. HOLLIDAY. Mr. Speaker, I ask unanimous consent to return to House resolution 513.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to return to House resolution 513, Calendar No. 764. Is there objection?

There was no objection.

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

The Clerk read as follows:

Resolved, That the bill (H. R. 26312) for the relief of the legal representatives of William and James Taylor, 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.

Mr. MANN. Mr. Speaker, I withdraw my objection.

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

There was no objection.

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

JOHN M. M'DOWELL.

The next business on the Private Calendar was the bill (S. 685) to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all records of Council City recording district of the second judicial district of Alaska.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. McDowell, of Council City, Alaska, a sum not to exceed $3,000, being for services rendered in preparing a new set of indices of all the records of Council City recording district of the second judicial district of Alaska.

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

Mr. MACON. I will withhold my objection if the gentleman cares to explain the bill.

Mr. MILLER. Mr. Speaker, this is a Senate bill. It has passed the Senate, and I can probably explain it better by reading the letter of the Attorney-General than by any statement that I might make. The letter, in brief, is this:

DEPARTMENT OF JUSTICE,
Washington, January 25, 1907.

MY DEAR SENATOR: I desire to submit for your consideration the following statement: It appears that about the spring of 1904 Judge Alfred S. Moore, of the second judicial district of Alaska, authorized Mr. J. M. McDowell, United States commissioner for the Council City recording district in Alaska, to prepare a new set of indices of all the records of said Council City recording district. It seems that owing to the inartificial character of the early records and the indices relating thereto the greatest inconveniences resulted to both mine and real-estate owners in the Council City district. It often became necessary, in looking up title to one single piece of property, to consult between 20 and 30 indices. Most of the early records were apparently kept in cheap notebooks and ledgers, and some of the indices were, in 1902, beginning to fall to pieces. Mr. McDowell seems to have spent a great deal of time in preparing these new records and indices, in accordance with the instructions of Judge Moore, and also went to an expense of about $500 in employing assistance for this work.

There is no fund available under existing legislation to pay Mr. McDowell's claim of $3,000. In my judgment, the claim is fair and provision should be made to meet it.

I also transmit herewith certain affidavits and other papers on which Mr. McDowell's claim is based.

Very truly, yours, CHARLES J. BONAPARTE,
Attorney-General.

Hon. CLARENCE D. CLARK,
Chairman of the Judiciary Committee, United States Senate.

Mr. MACON. Now, I will ask the gentleman if the judge did not have authority to direct this gentleman to do his work.

Mr. MILLER. He seems to have had no authority under the law. And I may say to the gentleman from Arkansas that he had the right to direct him to do the work, but he had no authority to do so.

Mr. MACON. Does the gentleman think it would be a wise policy for the Government to meet all the obligations that might be imposed against it by persons who were without authority to do so?

Mr. MILLER. No; I do not think so at all. But in view of the fact that this man was ordered by the court or appointed by the court——

Mr. MACON. But the court had no authority, and therefore it had no more right to order this party to do the work than the gentleman from Kansas had.

Mr. MILLER. Possibly not, but this man that did the work supposed the court had full authority to do it.

Mr. MACON. Must the Government suffer because of the mistakes, defaults, or misapprehensions or misdirections of others?

Mr. MILLER. In place of the Government being compelled to suffer in this case, the Government has received the benefit of the work done by this man, and is enjoying that benefit now by the use of these indices prepared by him.

Mr. MACON. You are sure the work ought to have been done?

Mr. MILLER. Certainly the work ought to have been done. They admit that, and the Government is now using them.

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

There was no objection.

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

J. M. BLOOM.

The next business on the Private Calendar was the bill (S. 1204) for the relief of J. M. Bloom.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of J. M. Bloom, late postmaster at Clearfield, State of Pennsylvania, to be credited with the sum of $118.18, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of loss of $123 in postal funds by robbery of said post-office on the 10th day of February, 1897, and $66.12 for expenses incurred in the effort to apprehend the burglars, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the sum of $118.18 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

Mr. MANN. Reserving the right to object, I would simply like to say this: I do not propose to detain the committee at this time, when there are many bills on the calendar, about a little claim like this that ought to be acted on. But the amounts in the bill are wrong. The man was credited with $118 by the Post-Office Department, and the intention was to credit him with the balance. Instead of doing that, here we credit him with the amount he has already been credited with.

Mr. MILLER. Mr. Speaker, if that is true, I trust the gentleman from Illinois will move an amendment, because I think this ought to be amended if that statement is correct. This is a Senate bill.

Mr. MANN. That statement is correct. The beneficiary will receive by this bill a little less than he is entitled to, and probably it is his mistake.

Mr. MILLER. No objection.

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

ELLA M. COLLINS.

The next business on the Private Calendar was the bill (S. 1750) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object.

Mr. MILLER. I wish to say to the gentleman that this was one of those exceptional cases where there was an unusual increase in the population. Two Postmasters-General, Mr. Cortelyou and Mr Meyer, have both indorsed the payment of this claim.

Mr. MACON. But the idea is this: I want to find out from the gentleman if he thinks it would be a wise policy for the Government to meet all the obligations that might be imposed upon it by the postmasters throughout the country employing such assistance as they might think they needed without authority of law?

Mr. MILLER. I will say frankly to the gentleman that I am inclined to think that ought to be the policy of the Government. I think the policy of the Government ought to be to pay to every postmaster who is required, when there is a change of population from 2,000 to 10,000 within the comparative short period of forty-eight to seventy-two hours, to go out and hire additional assistance to help to do the government work. I think the policy ought to be to pay.

Mr. MACON. Not in such cases. Has not the Post-Office Department the right to pay postmasters throughout the country additional compensation for clerk hire out of an emergency fund?

Mr. MILLER. I think not, and they have never been paid.

Mr. MACON. We appropriate an emergency fund for that very purpose every time we pass the post-office appropriation bill.

Mr. MILLER. Well, this matter has been passed upon by the Post-Office Department, and two Postmasters-General say that this allowance ought to be made.

Mr. MACON. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

GARRETT R. BRADLEY.

The next business on the Private Calendar was the bill (S. 1752) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance.

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 Garrett R. Bradley, late postmaster at Tonopah, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $442.14, to reimburse him for money expended for necessary clerical assistance.

Mr. MACON. This is the same kind of a bill, Mr. Speaker; I will have to object.

Mr. MANN. Will the gentleman reserve his objection for just a moment?

Mr. MACON. Yes, sir; I will reserve the objection.

Mr. MANN. The gentleman and I feel very much alike upon this proposition. There are two of these bills here. I went in and looked up the matter. These are two mining towns in Nevada where there was a great influx of population all at once. Under the postal laws it is not possible to increase the salary or the compensation or the clerical service of an office that jumps at once from a moderate fourth-class post-office to a higher grade of office.

In other words, it has to be determined by a certain period of time. There was no possibility for the Government to provide for the compensation for these two offices. On the other hand, it was either the duty of the postmasters there to deliver the mail properly or else to resign. If they had resigned they could secure nobody else to do the work. In addition to that——

Mr. MACON. Right there; does not the gentleman think that the Government would have taken a hand and furnished clerical assistance sufficient to have conducted the affairs of that office rather than have it closed?

Mr. MANN. Permit me to say to the gentleman the Government could not conduct the affairs of the office without somebody there. Now, everybody in these two places was mining crazy, just the same as in other mining countries, and the people were not going there for the purpose of doing clerical work.

Mr. CLAYTON. The Government would not have permitted the postmaster to resign under those conditions.

Mr. MANN. Probably not; and the result would be——

Mr. CLAYTON. And his bond would be liable.

Mr. MANN. The result would probably be as I saw it at Montauk Point during the Spanish war, when there were thousands of soldiers there in hospitals, and no way of getting their mail; and I saw tons and tons and tons of mail piled up in a tent, and no one knew to whom it was to go, and no one attempted to distribute it, or deliver it, or to handle it in any way.

It was a crying shame to the Government. If either the gentleman or myself were at Tonopah, or had a son or relative at Tonopah, we would want to have the mail properly handled, and it could not be handled without help. I think on the pure merits the gentleman ought to withdraw his objection to the former bill, and to let this go through.

Mr. MACON. Mr. Speaker, I have known the department to increase the clerks in different post-offices when the work got so heavy that the force then employed could not attend to it; and I can not understand why it ever becomes necessary for postmasters to take it upon themselves to employ clerks without the authority of the Government, unless it is that they want to take the work off their own shoulders and employ some one to do it, and rely upon the Government to reimburse them for having expended the money for their own pleasure and comfort.

Mr. MANN. The Post-Office Department could not have authorized this expenditure of money, because the law very properly prohibits a clerk-hire allowance to exceed $1,000 in the class of offices to which this office belonged when the great influx of population went into the place. Now, before the class of the office could be changed under the law, which requires six months' time, the population was so great there that the clerical hire permitted to be given by the department could not do the work. The department states that very fact. I asked the department about these two cases, and they informed me that the only thing for a responsible government official, who was worth a whoop in a certain unpleasant place, was to take the responsibility of doing that which the department could not authorize, trusting to the generosity and good sense of Congress to reimburse him.

The SPEAKER pro tempore. Is there objection?

Mr. MACON. There is objection. This can be met just as other cases have to be met that are on the Private Calendar. They can be taken up and passed in their order.

The SPEAKER pro tempore. The gentleman from Arkansas objects. The Clerk will report the next bill.

FARMERS AND MERCHANTS' BANK OF MANDAN, N. DAK.

The next business on the Private Calendar was the bill (S. 3723) for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.

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 Farmers and Merchants' Bank of Mandan, N. Dak., the sum of $57, being the amount of money which was contained in registered letter No. 65130, addressed to said bank by the United States Treasurer at Washington, D. C., February 28, 1905, and destroyed in the burning of a postal car near Hyndman, Pa., March 1, 1905.

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

There was no objection.

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

IMPORTATIONS OF ABSINTHE AND KIRSCHWASSER.

The next business on the Private Calendar was the bill (S. 3808) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to refund to Messrs. Luyties Brothers, of New York, out of any money in the Treasury not otherwise appropriated, the sum of $3,830.50, for certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898.

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

There was no objection.

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

GEORGE Q. ALLEN.

The next business on the Private Calendar was the bill (S. 4435) for the relief of George Q. Allen.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MAJ. G. S. BINGHAM.

The next business on the Private Calendar was the bill (S. 6891) for the relief of Maj. G. S. Bingham.

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 Maj. G. S. Bingham a sum equal to the amount of pay withheld from said officer because of his acceptance of the single-screw quartermaster steamer General Joseph E. Johnston, and no pay shall be hereafter withheld from said officer on that account.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

CHRISTINA ROCKWELL.

The next business was the bill (S. 7390) for the relief of Christina Rockwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christina Rockwell, surviving widow of O. P. Rockwell, the sum of $1,073.13, said sum being due the said O. P. Rockwell, and never paid, as a mail contractor for star mail service in Utah during the contract term July 1, 1862, to June 30, 1866.

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

Mr. MACON. Mr. Speaker, I should like to have an explanation of that. I reserve the right to object.

Mr. MILLER. I yield to the gentleman from Utah [Mr. HOWELL] to explain the matter.

Mr. HOWELL of Utah. Mr. Speaker, the basis of this claim is found in a letter of the Auditor of the Post-Office Department. It seems that Mr. Rockwell was mail contractor for several routes in Utah. For some reason he failed to send in proper vouchers, and his accounts were never settled. There remains to his credit on the books of the auditor of the department the sum of $1,073.13. He is now dead, and the bill is to enable the Post-Office Department to pay this sum to his widow.

Mr. MACON. Do the accounts in the Post-Office Department show that he is entitled to this amount?

Mr. HOWELL of Utah. The auditor certifies to the amount carried in the bill as standing to his credit.

Mr. MACON. And the only reason they can not pay it is because they have not the proper vouchers?

Mr. HOWELL of Utah. Yes.

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

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

PAYMENT TO RELIGIOUS ORDERS OF THE CATHOLIC CHURCH, PHILIPPINE ISLANDS.

The next business on the Private Calendar was the bill (H. R. 26228) to provide for payment of the claims of the Augustinians, the Dominicans, the Recoletos, and the Franciscans, religious orders of the Roman Catholic Church in the Philippine Islands.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MACON. I reserve the right to object.

Mr. HACKNEY. I object.

PENSION TO SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next business on the Private Calendar was the bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill at length.

Mr. MACON. I would like to make an inquiry as to how this pension bill gets upon the Private Calendar.

The SPEAKER. Everything on the Private Calendar is in order, and that is where the pension bills go.

Mr. SIMS. If this is a pension bill, I object. We have two days in the month for pension bills, and it can be considered on one of those days.

JAMES W. SEARS.

The next business on the Private Calendar was the bill (H. R. 21029) for the relief of James W. Sears.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Sears (now residing at Albion, in the State of Michigan) the sum of $3,000, being in full for the payment of the canal boat P. G. Dennison, owned by said Sears, but which was destroyed by fire at the port of New York in the year 1863, the said boat at that time being loaded with government stores, having been impressed and taken by the officers of the United States for the use of the Government. The sum of $3,000 is hereby appropriated to pay the said James W. Sears for the loss of his property out of any money in the Treasury not otherwise appropriated.

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

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

JAMES EASSON.

The next business on the Private Calendar was the bill (H. R. 16854) for the relief of James Easson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Easson, of Racine, Racine County, Wis., out of any money in the Treasury not otherwise appropriated the sum of $300 being the sum unlawfully collected from him by the board of enrollment, namely, $300, to furnish a substitute when drafted for service in the army, he not being a citizen of the United States at the time.

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

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

WILLIAM P. BIRD.

The next business on the Private Calendar was the resolution (H. Res. 518, in lieu of H. R. 19873) referring to the Court of Claims the claim of the legal representatives of William P. Bird.

The resolution was read, as follows:

Resolved, That the bill (H. R. 19873) for the relief of the legal representatives of William P. Bird, 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 resolution was agreed to.

CARL G. AND JOHN PALM.

The next business on the Private Calendar was the resolution (H. Res. 519, in lieu of H. R. 27253) referring to the Court of Claims the claim of Carl G. and John Palm.

The resolution was read, as follows:

Resolved, That the bill (H. R. 27253) for the relief of Carl G. and John Palm, 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.

JOHN B. DE BORD.

The next business on the Private Calendar was the resolution (H. Res. 521, in lieu of H. R. 21420) referring to the Court of Claims the claim of John B. De Bord.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 21420) for the relief of John B. De Bord, 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.

PHILADELPHIA COMPANY.

The next business on the Private Calendar was the bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa.

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 Philadelphia Company, of Pittsburg, Pa., out of any money in the Treasury not otherwise appropriated, any statute of limitations to the contrary notwithstanding, the sum of $2,741.60, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. MILLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MILLER. Mr. Speaker, I rise to ask unanimous consent that calendar numbers 1152 and 1153, being bills (S. 2911) for the relief of the Columbus Gas and Fuel Company and (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio, may be taken upon and considered at this time. These are exactly the same kind of bills. The gentleman from Georgia [Mr. EDWARDS], who objected, has withdrawn his objection, and I will make the same request in any other case that may be presented.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object to going back at this time. We will have an opportunity of reaching them in the regular way.

The SPEAKER. The gentleman from Arkansas objects.

G. W. HOWLAND.

The next business was the resolution (H. Res. 522) referring to the Court of Claims the claim of G. W. Howland.

The resolution was read by the Clerk.

The SPEAKER. Is there objection?

Mr. LAW. Mr. Speaker, I ask unanimous consent that that resolution be laid upon the table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

W. P. DUKES.

The next business was the bill (H. R. 7157) for the relief of W. P. Dukes, postmaster at Rowesville, S. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. P. Dukes, the sum of $74.36, the amount stolen from him while postmaster at Rowesville, Orangeburg County, S. C.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I simply want to make this statement. The report says that the Post-Office Department refuses to allow this man's claim simply on the ground that he did not keep the stamps in a safe. I do not wish that report to go into the files of Congress unchallenged, because that is an error on the part of the gentleman who wrote the report. The Post-Office Department makes no such rule as that at all.

Mr. CANDLER. Mr. Speaker, I wrote the report, and I want to state that the Post-Office Department did say that in a letter, and I took it out of the letter myself.

Mr. MANN. I have no objection to the claim being passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

ROBERT GRAHAM.

The next business was the resolution (H. Res. 525) referring to the Court of Claims the claim of Robert Graham.

The resolution was read, as follows:

Resolved, That the bill (H. R. 27336) for the relief of Robert Graham, 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. [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

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

ANGELINE C. BURGERT.

The next business was the bill (H. R. 25064) for the relief of Angeline C. Burgert.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Angeline C. Burgert the sum of $157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad, applicable to bond No. 209, issued by the Painesville and Youngstown Railroad Company and owned by her, out of the sum of $473.22 deposited in the United States Treasury on December 1, 1898, by Irving Belford, clerk of the United States circuit court, to the credit of the Treasurer of the United States with the National Bank of Commerce of Cleveland, Ohio, on account of unclaimed funds, as per certificate of deposit No. 201, which said deposit was covered into the United States Treasury, by a miscellaneous receipt, by warrant No. 2274, second quarter of the year 1899.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading.

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

JOHN W. SAVILLE.

The next business was the bill (H. R. 8276) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. HOLLIDAY. I reserve the right to object. That is the same kind of bill that objection was made to a little while ago.

Mr. DAWSON. Does the gentleman from Indiana intend to object to the bill?

Mr. HOLLIDAY. Yes.

Mr. DAWSON. Regardless of any explanation that is to be made?

Mr. HOLLIDAY. I will listen to the explanation

Mr. DAWSON. I do not want to attempt to convince the gentleman against his will. The purpose of this bill is simply to undo what was done by special act in the case of this man in the year 1884. By reason of the passage of that special act in 1884, which advanced him one grade, he is deprived under the general law of an advancement which this bill seeks to give him, and if the bill which was passed in 1884 had not been passed in his case, then this special act would not be necessary.

Mr. MANN. This beneficiary received a special act of Congress in 1884, and, as I understand it, enjoyed the benefits of that special act from 1884 to 1906. He had that benefit?

Mr. DAWSON. Yes.

Mr. MANN. Now he says that that special act is no benefit to him since 1906. Does the gentleman not think that he has had benefit long enough when he had the benefit of a special act for twenty-two years, without seeking to take up the time of the House to pass two bills for one man, when most people can not get time enough granted to pass one bill?

Mr. DAWSON. This gentleman received no benefit to which he was not entitled. As a matter of fact, this man was a chief engineer, and when the time came for him to be examined with a view to his advancement one grade he was stationed on the Asiatic Station in China. By reason of his situation there and the exigency of the service the department was unable to allow him to take his examination when he had a right to be exam-

ined, and so by reason of this delinquency this officer was denied that right through no fault of his own. The report sets forth the facts succinctly, as follows:

On January 21, 1871, Passed Assistant Engineer Saville was transferred to the retired list as a second assistant engineer for physical disability, which was due to an incident of the service, after having had creditable civil-war service.

By an act of Congress passed in 1884 he was commissioned as passed assistant engineer on the retired list from June 19, 1884. He was entitled to promotion to the grade of passed assistant engineer prior to the date of his retirement, but owing to the fact that he was then serving in China, he could not be examined for promotion until some time subsequently, when he was found physically disabled in the line of duty and was retired without promotion. The act of 1884 gave to Mr. Saville only what he was entitled to had he been examined when his vacancy became due and had he not been found physically disqualified. This special act of 1884, however, excluded Mr. Saville from participating in the benefits conferred on officers with creditable civil-war service under the act of June 29, 1906, by reason of a proviso in that act as follows:

"That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement."

If this bill becomes a law, Mr. Saville will receive no further advancement than he would have received had he not been advanced by the special act of Congress in 1884. The bill carries no provisions for back pay.

Mr. MANN. Well, the law did not allow it.

Mr. DAWSON. The law did give the advancement to him, but the department, by reason of the exigencies of the service, did not permit him to have his examination when the law——

Mr. HOLLIDAY. Mr. Speaker, in order to save the time of the House, I object.

JAMES C. M'FARLAND.

The next business on the Private Calendar was the resolution (H. Res. 528) for the relief of James C. McFarland and his heirs.

The Clerk read as follows:

Resolved, That the bill (H. R. 27232) for the relief of James C. McFarland and heirs, 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? [After a pause.] The Chair hears none.

The resolution was agreed to.

REIMBURSEMENT FOR DAMAGES, ETC., AS RECOMMENDED BY LIGHT-HOUSE BOARD.

The next business on the Private Calendar was the bill (H. R. 20165) to reimburse various persons for damages and losses as recommended by the Light-House Board.

The bill was read.

The SPEAKER. Is there objection?

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects.

Mr. CHANEY. Mr. Speaker, I suggest that the next pension bills be passed, as there are several other claims to be taken up.

Mr. MILLER. Mr. Speaker, I ask the gentleman from Kansas to reserve his objection in order that the matter may be explained.

Mr. MURDOCK. Oh, not at all; I do not withdraw my objection.

Mr. MILLER. Have you objection to the bill on its merits?

Mr. MURDOCK. I think the bill ought to go over and be considered later.

Mr. MILLER. Mr. Speaker, I suggest that the pension bills be passed over without prejudice.

The SPEAKER. Without objection, the pension bills on the calendar will be passed without prejudice.

Mr. SIMS. Mr. Speaker, I made objection to H. R. 27249, being a pension bill. I did not know at the time that other pension bills had been reached and passed, as I intended to object to all of them; so that if that has been done, I will withdraw that objection.

The SPEAKER. The gentleman from Indiana [Mr. CHANEY] has requested that the other pension bills on the calendar be passed without prejudice.

The Clerk will report the next bill.

MERRITT & CHAPMAN DERRICK AND WRECKING COMPANY.

The next business on the Private Calendar was the bill (H. R. 24131) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it is the custom of the Committee on Claims to refer claims to departmental officers with power to pay the same. I do not remember any other bill having been before Congress in years where we provided that the bill shall be sent to the head of the department, with authority, practically, to pay it.

Mr. MILLER. I will yield to the gentleman from Utah [Mr. HOWELL].

Mr. HOWELL of Utah. Mr. Speaker, there is no question as to the collision occurring through the fault of the Government. The steamer that was injured was at anchor and the government steamship ran into it. The only question before the committee was as to the amount of damage. There has been a board of survey, which reported upon the character of the damage, but not as to the amount of the damage. In this bill we authorize the Secretary of War to pass upon that survey and fix the amount of damage within the limit of $1,800. The wrecking company have put their damages at $1,800, but the committee did not feel justified in accepting that amount, but deemed it safer to leave to the Secretary of War the determination as to the amount of damage actually inflicted upon the injured vessel.

Mr. MANN. I can see a reason for taking care of the claim, and undoubtedly that ought to be disposed of, but does the gentleman think that is a good precedent to establish, where a claim is presented before the Congress that Congress shall refer it to the Secretary of War, or to the Secretary of Agriculture, or to the Secretary of Commerce and Labor, or some other official of the Government, with authority to audit the claim?

Mr. HOWELL of Utah. I think it is a common practice to give wide discretion to the heads of departments. They have the expenditure in some instances of millions of dollars, to be expended at their discretion, and we did not feel it was a dangerous precedent to allow the Secretary of War, in a case where the Government was clearly at fault for damages, to fix the amount of such damage, especially when we limited his discretion to the amount that is claimed by the persons who were injured.

Mr. MANN. Well, you have not made any limit here, as far as that is concerned.

Mr. HOWELL of Utah. It is not to exceed $1,800.

Mr. MANN. We appropriate not to exceed $1,800, but you authorize the Secretary to audit $25,000, and then it comes regularly in an appropriation bill. Now, it seems to me a very dangerous precedent to refer claims, not to the Court of Claims, not to the Committee on Claims, but to any officer you happen to select in a given department of the Government.

Mr. WALDO. Will the gentleman propose an amendment in a few words making such a limitation as he thinks ought to be there?

Mr. MANN. My own suggestion would be to have him report back to Congress.

Mr. HOWELL of Utah. The Secretary of War has already reported in favor of the claim, recommending that it be allowed. It is a just obligation against the Government. The Quartermaster-General also recommends the appropriation of eighteen hundred dollars as a reasonable amount for the damage inflicted. But we felt it ought to be referred to the Secretary of War for a fuller investigation of the damages, as there is some conflict in the papers as to what the damages actually are.

Mr. MANN. I will not object to the consideration of this bill, but I will object so far as its making a precedent is concerned.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Utah a question: Is the gentleman on the Committee on Claims?

Mr. HOWELL of Utah. I am.

Mr. COOPER of Wisconsin. I understand that the claim under consideration is for damages resulting from a collision?

Mr. HOWELL of Utah. Yes, sir.

Mr. COOPER of Wisconsin. And you propose to leave it entirely to the discretion of a department official to adjust it at an amount not to exceed $1,800? The other day I had before your committee a claim for a man who fell through a rotten plank, broke five ribs, broke one of his legs in three places, broke his fingers, and was unconscious for twelve days. Your committee refused to take it up although the Assistant Attorney-General of the United States, in his brief, said that the man ought to be paid and ought to have $5,000. I object.

BANK OF FREEBURG, MO.

The next business on the Private Calendar was the bill (H. R. 27221) for the relief of the Bank of Freeburg, of Freeburg, Mo.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Bank of Freeburg, of Freeburg, Mo., the sum of $200, being the amount of money which was contained in registered letter, No. 86, addressed to Joseph Wolff, at Argyle, Mo., and destroyed in the burning of the post-office at Argyle, Mo., December 11, 1907.

Also the following committee amendment:

In line 5 strike out the words "two hundred" and insert in lieu thereof the words "one hundred and seventy-five."

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

There was no objection.

The amendment was agreed to.

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

RICHARD A. PROCTOR.

The next business on the Private Calendar was the bill (S. 655) for the relief of Richard A. Proctor.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richard A. Proctor, out of any money in the Treasury not otherwise appropriated, the sum of $300, for use of lands near Fort D. A. Russell, Wyo., as part of the target range during the seasons of 1906 and 1907.

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

There was no objection.

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

CADMUS E. CRABILL.

The next business on the Private Calendar was the bill (S. 7325) for the relief of Cadmus E. Crabill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster-General be, and is hereby, authorized and directed to credit Cadmus E. Crabill, postmaster at South Bend, Ind., with the sum of $18,653.50, being the amount of postage stamps and stamped paper belonging to the Post-Office Department of the United States stolen from said Cadmus E. Crabill by robbers on the 15th day of November, 1908, it appearing that said loss was without fault or negligence on the part of said postmaster.

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

There was no objection.

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

DAVID H. DICKINSON.

The next business on the Private Calendar was the bill (H. R. 27342) to amend the military record of David H. Dickinson.

The Clerk read as follows:

Be it enacted, etc., That David H. Dickinson, late a private of Company G, Twenty-second Regiment New York Volunteer Cavalry, shall be held and considered to have been honorably discharged from said company and regiment on August 9, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act: *And provided further*, That from any pension he may hereafter show himself entitled to there shall be no deduction or rebate on account of former alleged erroneous payments of pension.

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

Mr. NORRIS. Reserving the right to object, I would like to hear from some member of the committee to explain this bill.

Mr. HOLLIDAY. Mr. Speaker, the report is very voluminous. The record shows that this man was a soldier in the civil war, and a splendid one, with an excellent military record. He served one term of enlistment and got along very nicely. In the second term of enlistment the officer in command seemed to be something of a martinet, and upon one occasion, for a trifling infraction of the rules, the officer commanding his regiment directed one of his comrades to be tied up by his thumbs. He was tied in a position where he suffered great agony, and kept there a good while, for a mere trifling infraction of military discipline. The particular soldier mentioned in this bill, accompanied by 15 or 16 other fellows, cut him down, and they were charged with insubordination, convicted, and sent to prison; served a short time in prison and were released on the expiration of their sentence.

Mr. Speaker, I have gone through that record carefully, and I am satisfied there is not a man in this House who would not have done the same thing under the same circumstances. I think we ought to set the seal of approval on this soldier.

Mr. NORRIS. Is this one of the soldiers that cut the other soldier down?

Mr. HOLLIDAY. This is one of the soldiers that cut the other soldier down. That is all he is charged with.

Mr. NORRIS. Is he the only soldier involved in this bill?

Mr. HOLLIDAY. The only soldier. I think the rest are all dead.

Mr. NORRIS. I have heard it said that this bill was very similar to the one that was vetoed by the President recently.

Mr. HOLLIDAY. It does not bear the slightest resemblance to the one that was vetoed.

Mr. NORRIS. I have no objection.

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

WILLIAM E. MOSES.

The next business on the Private Calendar was the bill (S. 4312) for the relief of William E. Moses.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to reconvey, by proper deed of conveyance, all title which the said William E. Moses had vested in the United States Government to the following-described lands: S. ½ S. ½ SW. ¼ SW. ¼ and S. ½ N. ½ S. ½ SW. ¼ SW. ¼ sec. 4, T. 7, S., R. 74 W., Colorado; S. ½ S. ½ SE. ¼ SE. ¼ and S. ½ N. ½ S. ½ SE. ¼ SE. ¼ sec. 5, T. 7 S., R. 74 W., Colorado, 30 acres; SW. ¼ SE. ¼ lot 3, SW. ¼ lot 3, N. ½ lot 3, sec. 5, T. 10 S., R. 73 W., Colorado, 34 acres; NE. ¼ NW. ¼ SW. ¼ NE. ¼ SW. ¼ SE. ¼ SW. ¼ NE. ¼, E. ½ SE. ¼ SW. ¼ NE. ¼ sec. 5, T. 10 S., R. 73 W., Colorado, 10 acres; E. ½ E. ½ SW. ¼ SW. ¼, SW. ¼ SE. ¼ SW. ¼, SW. ¼, S. ½ SW. ¼ SW. ¼ SW. ¼, NW. ¼ SW. ¼ SW. ¼ SW. ¼, SW. ¼ NW. ¼ SW. ¼ SW¼, sec. 4, T. 10 S., R. 73 W., Park County, Colo., 22½ acres; W. ½ NW. ¼ NE. ¼ SE. ¼, SW. ¼ NE. ¼ SE. ¼, S. ½ SE. ¼ NE. ¼ SE. ¼, sec. 5, T. 10 S., R. 73 W, Park County, Colo., 20 acres; SW. ¼ W. ½ SE. ¼, sec. 2, S. ½ SE. ¼, sec. 3, T. 8 S., R. 71 W., of the sixth principal meridian, Colo., embracing 320 acres; E. ½ SE. ¼, sec. 4, and E. ½ NE. ¼, sec. 9, T. 10 S., R. 16 W., New Mexico principal meridian, New Mexico, embracing 160 acres; W. ½ NW. ¼ and N. ½ SW. ¼, sec. 6, T. 10 S., R. 16 W., New Mexico principal meridian, New Mexico, containing 156.03 acres; E. ½ NW. ¼, sec. 21, T. 10 S., R. 16 W., New Mexico principal meridian, New Mexico, embracing 80 acres; SW. ¼ NE. ¼ and S. ½ NW. ¼, sec. 18, T. 10 S., R. 16 W., New Mexico principal meridian, New Mexico, containing 119.52 acres; N ½ NW. ¼, sec. 3, and E. ½ NE. ¼, sec. 4, T. 10 S., R. 16 W., of the New Mexico principal meridian, New Mexico, containing 160.55 acres; NW. ¼ SE. ¼ and SW. ¼ NE. ¼, sec. 35, T. 9 S., R. 16 W., of the New Mexico principal meridian, New Mexico, containing 80 acres; SW. ¼ NW. ¼, N. ½ SW. ¼, and SE. ¼ SW. ¼, sec. 17, T. 9 S., R. 15 W., of the New Mexico principal meridian, New Mexico, embracing 160 acres; N. ½ NE. ¼, sec. 35, SE. ¼ SE. ¼, sec. 26, SW. ¼ SW. ¼, sec. 25, T. 9 S., R. 16 W., and N. ½ SE. ¼, SE. ¼ NE. ¼, sec. 30, and SW. ¼ NW. ¼, sec. 29, T. 9 S., R. 15 W., of the New Mexico principal meridian, New Mexico, containing 320 acres; lots No. 17, 23, and 24, in sec. 5, T. 11 S., R. 14 W., New Mexico principal meridian, New Mexico, containing 120 acres; SW. ¼ SE. ¼, SE. ¼ SW. ¼, sec. 32, T. 9 S., R. 16 W., and NE. ¼ NW. ¼, sec. 5, and NW. ¼ NE. ¼ and NE. ¼ NW. ¼, sec. 7, T. 10 S., R. 16 W., of the New Mexico principal meridian, New Mexico, containing 200 acres: *Provided*, That the said William E. Moses makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The SPEAKER. Is there objection?

Mr. MANN. I will reserve the right to object to that bill. I would like to know why it is we are asked by the Committee on Public Lands to give away title to the property described here covering three or four pages?

Mr. FRENCH. Mr. Speaker, as I reported that bill, I will briefly explain it.

Mr. MANN. I hope the gentleman will explain it more than it is in the report.

Mr. FRENCH. Under the act of June 4, 1897, certain lands that had been patented and which were embraced within forest reserves could be surrendered, and those who surrendered the lands would receive the right to make lieu selection.

Now, Mr. Speaker, Mr. Moses surrendered this land and issued a deed in favor of the United States and had it recorded. After that was done the Government found itself in this position: It found some irregularities in the abstract, and before they could be corrected, or assuming that they could not be at all corrected, the Government declined to issue the right of lieu selection before the law was modified. Now the Government finds itself in the position that it can neither return the land nor issue the right to select lieu lands.

Mr. MANN. Who recorded the deed?

Mr. FRENCH. It is recorded in the county in which the land is situated.

Mr. MANN. Who filed the deed for record?

Mr. FRENCH. Mr. Moses, who wanted to surrender the land. Now, the law itself——

Mr. MANN. Is that the custom, for the grantor to file the deed?

Mr. FRENCH. He filed the deed at the time of making application to surrender the land and to receive the right to make lieu selections.

Mr. MANN. Apparently the Government had never examined the title, because the bill requires the man to furnish an abstract of the title to the land. If they had already examined the title and had an abstract, why should the law propose to require him to furnish another abstract?

Mr. FRENCH. Well, on that point I do not know. The Secretary himself is in favor of this bill. He finds himself in the position of being neither able to accept the land nor to issue the lieu selection right therefor.

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

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

JOHN V. VICKERS.

The next business on the Private Calendar was the bill (S. 4313) for the relief of John V. Vickers.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to reconvey, by proper deed of conveyance, all title which the said John V. Vickers has vested in the United States Government to the following-described land, to wit: SW. ¼ NE. ¼ and SE. ¼ NW. ¼ and the W. ½ SE. ¼, sec. 26, T. 10 S., R. 68 W. of the sixth principal meridian, Colorado, embracing 160 acres: *Provided*, That the said John V. Vickers makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

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

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

FRANCISCO KREBS.

The next business on the Private Calendar was the bill (H. R. 27252) for the relief of Francisco Krebs and his heirs and assigns.

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs, his heirs and assigns, be, and he is hereby, confirmed in his title to that part of Round Island, in the State of Mississippi, situated in secs. 33 and 34, T. 8 S., R. 6 W., east of Pearl River, containing approximately 60.85 acres, and being a part of the land granted by the Spanish Governor Grimarest to Francisco Krebs, on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala., the residue of said island, to wit: All of fractional secs. 3 and 4, T. 9 S., R. 6 W., east of Pearl River, and containing, respectively, about 16.50 and 33.44 acres, set forth and reserved by executive order of President McKinley, dated September 3, 1900, being expressly hereby excepted from the terms of this act, the same being reserved by the United States for light-house purposes: *Provided*, That nothing in this act of confirmation shall affect the claim or claims of any other person or persons to the said land hereby confirmed to said Francisco Krebs, his heirs and assigns, or any part thereof derived from the United States or any source whatever.

SEC. 2. That nothing in this act contained shall be construed to prevent the authorities of the United States from cutting and removing trees or other growth on any part of said island which may in any wise obscure the light from the light-house situate on said island or obstruct the view thereof, and no structure of any character whatever shall ever be erected or permitted on any part of said island at such place or in such manner as to obstruct or obscure said light, and the authorities of the United States shall at all times have the right to remove and abate any and all obstructions to the clear, full, and perfect view thereof, without incurring any liability whatever for so doing.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to attract the attention of the gentleman who introduced the bill to the fact that apparently the bill proposes to confirm title to a certain piece of property in the party now claiming title, and at the same time reserves to the Government the right of control to a certain extent over it. The two propositions are entirely inconsistent.

Mr. BOWERS. Mr. Speaker, my attention had been brought to that defect, and I have drafted an amendment, making the acceptance an acceptance of all conditions that are imposed on the title, and making it run with the land.

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

The Clerk read as follows:

Add as a new section:

"SEC. 3. The application for a patent hereunder and acceptance of same shall be held to be an acceptance by the claimant of all the terms and conditions of this act, which shall run with the land."

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

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.

WILLIAM BOLDENWECK.

The next business on the Private Calendar was the bill (S. 890) for the relief of William Boldenweck, assistant treasurer of the United States at Chicago.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in settling the accounts of William Boldenweck, assistant treasurer of the United States at Chicago, to pass to the credit of said Boldenweck the sum of $173,000, being the sum which was stolen from the subtreasury at Chicago during the year 1907.

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. Mr. Speaker, for the reasons stated in the minority views on this case, I object.

Mr. BOUTELL. I think perhaps the gentleman will withdraw his objection. I hope he will reserve the objection, with a possibility of ultimately withdrawing it.

Mr. SHACKLEFORD. I will reserve it.

Mr. BOUTELL. I do not know that anything I can state will add to what is so well stated in the report of the majority; but this is a Senate bill, recommended by the Treasury Department, and favorably reported by the proper committee of this House. Under these circumstances I very much hope that the gentleman from Missouri will let this go to a vote.

Mr. SHACKLEFORD. Mr. Speaker, the gentleman says the affirmative side of this question has been well expressed in the majority report. I believe I could not express myself better than I have in the minority report which I and others have filed in this case.

Mr. BOUTELL. Let me suggest to the gentleman from Missouri, we are getting toward the end of the session; we will not observe the 5 o'clock hour. We are within four or five bills of the end of the calendar. Why not have a vote on this on its merits?

Mr. SHACKLEFORD. I believe, Mr. Speaker, I shall feel constrained under the circumstances, much as I regret it, to object.

Mr. BOUTELL. I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. SHACKLEFORD. I make a point of order against that motion.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. CLARK of Missouri. Was it not agreed that all of this calendar should be gone through with where the bills were not objected to? That was the rule.

The SPEAKER. The Chair is not aware of any agreement.

Mr. CLARK of Missouri. That is the regular order.

Mr. BOUTELL. If there was any agreement, it was while the gentleman from Illinois was not on the floor.

Mr. CLARK of Missouri. It was the rule itself that was passed.

Mr. MACON. The special order.

The SPEAKER. The Chair will inquire of the Clerk's desk: Has there been an agreement in the House changing the terms of the special order during the session to-day? The Chair is informed that no such agreement has been made.

Mr. SHACKLEFORD. Is not the gentleman's motion out of order under the rule itself?

The SPEAKER. It is not; for the reason that when the rule was agreed to that question was raised and properly settled by a statement as to the effect of the rule, by the gentleman from Illinois [Mr. MANN], that it was quite in the power of the House, if it saw proper to do so, on motion at any time to resolve itself into the Committee of the Whole House for consideration of bills on the Private Calendar. The question is on the motion of the gentleman from Illinois [Mr. BOUTELL].

The question being taken, the motion was rejected.

The SPEAKER. The Clerk will report the next bill.

DANIEL W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 26516) authorizing Daniel W. Abbott to make homestead entry.

The bill was read, as follows:

Be it enacted, etc., That Daniel W. Abbott be, and he is hereby, empowered to make entry of and acquire title to the south half of the southeast quarter and the south half of the southwest quarter of section 6 in township 10 south, range 28 east, Boise meridian, under the general provisions of the homestead laws of the United States, notwithstanding he may have heretofore exhausted his right to make entry under said laws, and he shall be given credit, under any entry made by him under this act, for the full period of such actual residence as he may have maintained on said land prior to the time he makes entry under this act.

The SPEAKER. Is there objection?

There was no objection.

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

CLAIMS UNDER BOWMAN AND TUCKER ACTS.

The next business on the Private Calendar was the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, with amendments of the Senate thereto, reported from the Committee on War Claims with sundry Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. NORRIS. The bill has not been read.

Mr. MANN. Mr. Speaker, the bill should be read first.

Mr. HASKINS. I call for the reading of the report.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, the bill has not been read.

The SPEAKER. The bill covers many scores of pages.

Mr. MANN. It seems to me I might as well object. Undoubtedly we shall have to take that up another day. The Senate amendments represent 175 printed pages.

The SPEAKER. The amendments will be read, unless there is objection.

Mr. MANN. Under the circumstances at present, I will object.

Mr. HASKINS. All I ask is to have a short report read. We do not ask to have the bill read.

The SPEAKER. The amendments can not be acted upon without being read.

Mr. SIMS. I will ask the gentleman to withhold his objection for a moment.

The SPEAKER. The rulings of the present occupant of the Chair and, in so far as the Chair recollects, of all former Speakers, have been that a bill or an amendment must be read at some stage before it is acted upon.

Mr. SIMS. I realize that, but I want to make a statement, as briefly as possible, after which I think there will be no objection made. Will the gentleman from Illinois withhold his objection for a moment?

Mr. MANN. I am willing to reserve the right to object.

Mr. SIMS. Mr. Speaker, I want to state to the membership of the House that this is an omnibus war claims bill. As it passed this House, it had nothing in it but court findings. It went to the Senate and has been amended and comes back with more than $2,000,000 increase. It comes back as a Senate amendment, The Senate having struck out the entire House bill and then put in the House items and Senate additions as one amendment. It is utterly impossible for it to be considered in this House, read and considered, item by item, discussed, and voted upon at this late hour. Therefore the demand for the reading of this bill of about 200 pages at this time means the death of the bill. There will be no other opportunity to consider this bill after to-day. There is no more than time now for the conferees to consider it properly and thoroughly, if sent to them at once. If it can not go to conference without reading the bill in full at this time, it is very clear that it can not be passed at this session of this Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr Speaker, reserving the right to object for a moment, this bill can easily be passed by the Senate receding from its amendment without a conference. All they have got to do is to ask that the bill be returned to the Senate. When the bill passed the House, it was distinctly stated in the House that if when it came back it should be loaded up with page after page of propositions concerning which no one in the House was informed, it would meet with every proper objection.

If the Senate desires to pass the bill which was passed by the House, let them pass it in that shape. If they have claims which the Senate thinks ought to be allowed, let them pass a Senate bill and send it over here, and, so far as I am concerned, I am perfectly willing to help consider it on its merits. Here are 25 pages originally of this bill, and now there are 212.

Like every other Member of the House I am flooded with requests from people in my territory who have claims in the bill, some of which are possibly and probably meritorious, and some of which I know are not meritorious. Most of them are claims that have been persistently pushed; many of them are claims concerning which the Committee on War Claims has never had jurisdiction, and probably never had any knowledge; and when the conference committee would be agreed to naturally it would be composed of members of the Committee on War Claims, although probably one-half of these Senate claims in the Senate amendments relate solely to claims that would go to other committees.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JAMES A. PAULK.

The next business on the Private Calendar was the bill (H. R. 4168) to carry out the findings of the Court of Claims in the case of James A. Paulk.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,390 to James A. Paulk, of Bullock County, Ala., being the amount found due him by the Court of Claims on January 29, 1906.

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

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

JOHN T. RIVETT.

The next bill on the Private Calendar was the bill (H. R. 23699) to grant to John T. Rivett the privilege to make commutation of his homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That John T. Rivett be, and he is hereby, granted the privilege at his option to make commutation of his homestead entry of the SW. ¼ of sec. 28, in T. 22 N, R. 50 W., sixth principal meridian, in the State of Nebraska, as provided by law for the making of commutation of homestead entries.

The SPEAKER. Is there objection?

There was no objection.

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

ORVILLE WRIGHT AND WILBUR WRIGHT.

The next business on the Private Calendar was Senate joint resolution 119, authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

The joint resolution was read.

The SPEAKER. Is there objection?

Mr. HACKNEY. I object.

Mr. MILLER. Mr. Speaker, I desire to ask unanimous consent to return to page 31 of the calendar for the purpose of correcting an error.

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

Mr. MILLER. The bills, Calendar Nos. 1152 and 1153, were objected to at the time by the gentleman from Georgia [Mr. EDWARDS] under a misapprehension of the facts as to the nature of the bills. He afterwards withdrew the objection, but is not now on the floor of the House. We have since passed one bill of exactly the same kind coming from the Ways and Means Committee. I ask that these bills may now be passed.

The SPEAKER. The Clerk will report the bill.

COLUMBUS GAS AND FUEL COMPANY.

The Clerk read as follows:

A bill (S. 2911) for the relief of the Columbus Gas and Fuel Company.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of money not otherwise appropriated, to the Columbus Gas and Fuel Company, of Columbus, Ohio, successors to the Central Ohio Natural Gas and Fuel Company, of Columbus, Ohio, any statute of limitations to the contrary notwithstanding, the sum of $1,820.81, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

LOGAN NATURAL GAS AND FUEL COMPANY.

The Clerk read as follows:

A bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Logan Natural Gas and Fuel Company (Incorporated), of Columbus, Ohio, the sum of $184.45, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

LEVI J. BILLINGS AND HEIRS OF JAMES H. DOYLE.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent to return to page 30 of the calendar and take up Calendar Nos. 1102, 1104, being the bills (H. R. 8739) for the relief of Levi J. Billings and (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased.

The SPEAKER. Is there objection?

Mr. HACKNEY. Mr. Speaker, I object.

Mr. DALZELL. Oh, I hope the gentleman will withdraw his objection or withhold it for a moment.

Mr. HACKNEY. I object.

Mr. DALZELL. I do not believe the gentleman has read the report or else he would not object.

The SPEAKER. The Chair will state that we have concluded the calling of the Private Calendar, and this is a request for unanimous consent to return to certain bills indicated. Of course, objection would be in order if the gentleman desires to object.

Mr. HACKNEY. I demand the regular order.

Mr. HASKINS. Mr. Speaker, the regular order is finishing the Private Calendar.

The SPEAKER. The Chair is of opinion, under the terms of the order, which is that it shall be in order in the House, as in the Committee of the Whole House, to consider all bills on the Private Calendar to the consideration of which no objection is made, that bills having been called and objection being made, under the construction of that order it would require unanimous consent to return to them.

MILLE LAC BAND, CHIPPEWA INDIANS.

Mr. BEDE. Mr. Speaker, I have a bill which was passed without prejudice and not objected to—the bill (S. 5330) for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes—which I now call up and ask the Clerk to read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, given jurisdiction to hear and determine a suit or suits to be brought by and on behalf of the Mille Lac band of Chippewa Indians, in the State of Minnesota, against the United States on account of losses sustained by them or the Chippewas of Minnesota by reason of the opening of the Mille Lac Reservation, in the State of Minnesota, embracing about 61,000 acres of land, to public settlement under the general land laws of the United States; and from any final judgment or decree of the Court of Claims either party shall have the right to appeal to the Supreme Court of the United States, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Mille Lac band of Indians, and the same shall be paid out of any sum or sums found due said band or to the Chippewa Indians of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

ADMINISTRATION OF JUSTICE IN THE NAVY.

The SPEAKER laid before the House the bill (H. R. 6252) to promote the administration of justice in the navy, with a Senate amendment thereto.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

Mr. UNDERWOOD. I object to that. I think the amendment ought to be read.

The Senate amendment was read.

Mr. ROBERTS. Mr. Speaker, I move to disagree to the amendment of the Senate and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I want to ask the gentleman from Massachusetts to explain, before the House disagrees to the Senate amendment, what is the difference between the Senate amendment and the House bill? Wherein do they differ?

Mr. ROBERTS. Mr. Speaker, I have not had an opportunity to compare the two bills sufficiently to indicate every point of difference. There are several vital points of difference, and one particularly in section 13, with regard to the use of depositions in court-martial cases. The House Committee on Naval Affairs considered that provision of the departmental bill very carefully, and we concluded it was not wise to allow unrestricted use of depositions in criminal cases.

The Senate bill which has just been read, and which was put on to our bill as an amendment, contains that provision with regard to the use of depositions, and it is largely for that reason that we desire to get the matter into conference to adjust that portion of the bill.

Mr. UNDERWOOD. I want to ask the gentleman if the Senate bill does not allow it to be optional with the defendant as to whether he shall be tried before a deck court-martial or a regular court-martial, and what provision has the House bill on that subject?

Mr. ROBERTS. There was a provision in each bill with regard to the rights of an enlisted man giving him a privilege of objecting to the deck court if he saw fit. As I say, Mr. Speaker, I have not compared the bills carefully enough as yet to say just wherein the two provisions with regard to that portion differ.

Mr. UNDERWOOD. The rights on that proposition are reserved in both bills.

Mr. ROBERTS. Oh, certainly; the rights of the enlisted men are reserved in both bills.

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

The Chair announced the following conferees:

The Clerk read as follows:

Mr. ROBERTS, Mr. DAWSON, and Mr. PADGETT.

GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. OLCOTT. Mr. Speaker, I ask unanimous consent to continue the remarks I made in regard to H. R. 12898 in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD upon the bill indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. OLCOTT. Mr. Speaker, on Friday, January 29, the gentleman from Florida [Mr. CLARK] made a speech on the floor of this House attacking the provisions of a bill which I introduced (H. R. 12898) to change the proceedings regulating the admission of patients to the Government Hospital for the Insane, and also attacking the report of the special committee appointed in the Fifty-ninth Congress to investigate the management of the Government Hospital for the Insane, of which committee I had the honor to be chairman.

I greatly regret that the gentleman saw fit to make his speech during my absence from the House, especially in view of the fact that when the bill was on the calendar, on the 14th day of December, 1908, owing to the absence of the gentleman from Florida and at his special request, made through the gentleman from Indiana [Mr. Cox], that he would like to have consideration of the bill postponed until he returned to Washington, as he desired to speak upon it, I allowed the bill to go over until January 25, when the gentleman objected to unanimous consent to have the bill transferred to the Union Calendar from the House Calendar.

I did not intend to say anything in regard to the bill or in regard to the investigation made by our committee until the bill came up properly in the House; but on account of the remarks of the gentleman from Florida on Friday last, most of which are erroneously stated, I desire to place in the RECORD the reasons for the unanimous report of the Committee on the District of Columbia on the bill and certain facts in regard to the investigation, in order that Members of the House may be apprised of the true state of affairs before the bill comes up for consideration on the 8th of February.

It is true the gentleman from Florida introduced the resolution in the Fifty-ninth Congress for the appointment of a special committee to investigate the management of the Government Hospital for the Insane, and that he appeared before the committee on several occasions and made statements in opposition to the then and present superintendent of the hospital.

It appears from the remarks of the gentleman from Florida that he alone was disappointed because the committee, upon the evidence before it, saw fit to make a report which substantially found that the accusations made against the hospital and its superintendent were without foundation.

The bill which I introduced to change the proceedings for admission to the hospital was the result of the complete and exhaustive investigation which the special committee made both into the management of the institution and all of its branches, and the methods of commitment to the hospital which the committee found were conflicting and improper.

The bill was carefully drawn after a full examination into the laws of the various States of the Union in regard to the method of commitment of patients to hospitals for the insane, and it was fully discussed by a subcommittee of the Committee on the District of Columbia, the majority of whom are lawyers, and afterwards by the full committee, which made a unanimous and favorable report thereon.

The only difference that I can see between the gentleman from Florida and myself in regard to one of the most important features of the bill—that in regard to the commitment of patients without the formality of calling a jury unless demanded by the patient or one of his relatives or friends—is that the gentleman prefers to treat a suspected insane person as a criminal, while I and the committee insist that such insane person ought to be treated as a person suffering with a disease.

The gentleman remarked, under the heading "Some incidents of Doctor White's management and supervision," that over 30 witnesses testified to the failure of the superintendent to visit the buildings and inspect the wards for long intervals, but he gave the names only of 9 witnesses who so testified. Many, if not all, of these witnesses testified as to the careful and humane treatment of the patients and that the physicians connected with the hospital made daily visits to the patients in the various wards. Most of these witnesses complain of the long hours of work or charge the superintendent with favoritism of other employees over them; but the superintendents of other institutions who testified before the investigating committee swore that in every hospital for the insane the attendants are constantly complaining in regard to their hours of service and what they consider lack of sufficient help, and that they invariably criticise the superintendent for not allowing them greater liberties than those fixed by him for the good of the hospital.

To show how carelessly the gentleman from Florida examined the testimony given by these 9 witnesses, I will quote from their testimony, as follows:

C. W. Teates (p. 1258) testified that he thought that there should be more attendants at the hospital and (p. 1260) that the hours were too long. He also testified (p. 1262) that some of the attendants were careless, but that they were not cruel to patients. He further testified (p. 1259), in answer to a question as to how often the doctors came through the wards, that: "Doctor Glasscock came through twice a day and Doctor Stack

only once, but sometimes twice or three times, depending upon how many we had sick. We always had physicians there during the day some time." He also said (p. 1263) that the doctors were attentive to their duties.

T. W. Belt testified (p. 172) that Teates on many occasions ill treated patients.

Rose Herbert severely criticised Doctor White because other employees of the hospital were promoted to better positions than she had.

Mary McLaughlin testified that there was not sufficient help at the hospital, although the treatment of patients was very good. She complained of the long hours of service and criticised Doctor White accordingly.

Albert C. Hayden criticised the superintendent for not employing a greater number of attendants (p. 345), and made complaint in regard to "long hours" (p. 348).

C. J. Harbaugh complained of an "insufficiency of help" (p. 297), and said that patients were not treated cruelly (p. 297).

Arthur Nabors testified that patients were "treated all right" (p. 292). He complained of insufficiency of help and pay, and criticised Doctor White therefor (p. 294).

W. J. Lyon testified that he never saw patients abused (p. 1157). He also testified that Doctor Hummer was in charge of his ward (p. 1158).

Spencer Herbert, a witness, testified that Lyon had abused patients (p. 30). Lyon resigned (p. 1157).

Albert Ball complained of insufficiency of help in the kitchen (p. 289).

N. H. Harnish criticised Doctor White because a reduction was made in his salary from $75 to $60 per month (p. 1136).

These nine witnesses, with their grievances against Doctor White in one way or another, were particularly referred to by the gentleman in an attempt to strengthen his argument; but let us examine some of the testimony of other witnesses who perhaps are included in the balance of the 30 witnesses referred to by the gentleman, but whose names he omitted to mention.

Many of the witnesses testified as to the frequency of the visits of the superintendent to the various wards of the institution, for instance:

Philip J. Martin testified (p. 484) that the superintendent came through his ward every Sunday.

Joseph Klug testified (p. 107) that Doctor White came through his ward as often as the superintendent who preceded him.

Emma Butler testified (p. 1302) that Doctor White came through every Sunday.

Patrick Doody (p. 309) testified that Doctor White visited his ward frequently.

Dr. L. H. Taylor testified that Doctor White went over the hospital wards once a week.

Andrew Klug testified (p. 70) that Doctor White visited the wards, and stated, "I don't know whether he has been over while I was away or not."

Jessie Ferrall testified (p. 471) that Doctor White visited her ward frequently, and that Doctor Clark "comes through occasionally," but that Doctor O'Malley, a female physician at the hospital, "makes the regular rounds," she being the doctor in charge of the female patients.

Louise Hoy (p. 1173) testified that Doctor O'Malley visited her ward, which is a female ward, every day, but that Doctor White did not often go through that ward.

E. A. Jarrett (p. 377) testified that Doctor White visited his ward three or four times between the 11th of January and the 15th of May, while the witness was there, but he stated, "I am not there all the time."

Charles J. Burch testified (p. 631): "The superintendent comes into B building every Sunday, and he visits all the new patients and has quite a lengthy conversation with these new cases."

Mary Edwards, in charge of ward containing suicide patients, testified (p. 477) that Doctor White made a visit through her ward once a week.

Dr. B. R. Logie testified (p. 731): "Doctor White has no special days for visiting my ward. He comes over very often and goes through building R more frequently than he does any other building. Then he comes over and consults with me whenever I ask him to do so or when anything goes wrong in the department." He further testified (p. 717) that there were 371 patients under his charge.

D. J. Donohue testified (p. 278):

I have seen Doctor White go through my ward speaking to men of my ward. I have seen Doctor White and his assistant physicians visiting the Howard Hall on Sunday after Sunday. I have also seen the assistant physicians visiting the wards at all times during the day. I have seen Doctor Swain; he came at all hours—in fact, he would come often when you least expected him. I have seen Doctor Fitch at all times going on the wards.

Roger Cullinane testified (p. 285): "I have generally seen him [Doctor White] go through there on Sundays." He also testified that a physician went through his ward every day.

There are many other instances in the testimony which prove the statements of the gentleman from Florida to be erroneous, and, as I before stated, most of the people who testified as to the infrequent visits of the superintendent had some personal grievance against him. It should also be remembered that the individual attendants are on duty for a short part of the day only, and therefore they are not able to testify how often during the twenty-four hours of the day the superintendent or the physicians went through their respective wards. Some of the attendants work in the daytime and others in the nighttime.

The charge that the gentleman makes in regard to the number of witnesses who testified that the food was not good is also incorrect. On the contrary, the great majority of the witnesses testified that the food was good and wholesome; but of course some of the witnesses, including patients and attendants, had made complaints in regard to the character of the food and the method of cooking it. The committee found that now and then complaints had been made by patients and attendants in regard to the food in most of the institutions of this character. A reference to the index of the testimony at page 1873 will show just exactly how the witnesses testified in regard to the food. The bill of fare used in the hospital will be found at page 522 and page 723.

In a large institution of this kind it will sometimes happen that the food will not be properly cooked. A careful reading of the report of the committee at page 13, under the subdivision "Sixth. As to food," will show how exhaustively the committee examined into this question.

In regard to the charges of cruel treatment of patients, they were made in almost every case by a patient, a discharged patient, a discharged employee, or an employee with a grievance against the superintendent of the hospital, and the committee gave this kind of evidence careful consideration. But I desire to call the attention of the House to the character of the testimony of some of the witnesses who were called to prove the charges of abuse of patients. Among these are a number of witnesses mentioned in the gentleman's remarks.

Cornelia L. Corbett, a patient, was called as a witness and testified (p. 137). This witness complained in regard to her commitment and testified that she was not insane. When asked her reason for appearing at the hearing, she said: "I came as a voluntary witness to state what I witnessed while I was there." As a matter of fact, the people who sought to prove these charges called this patient as their witness.

Roger J. Cullinane (p. 285) testified that he was employed as attendant in charge of White Ash ward, where patients were a violent class; that patients were always treated well. "We didn't have no straps after Doctor White came there," nor were patients restrained in that ward, but "would sometimes lock them up;" that strait-jackets were never used nor were patients abused. Although this witness was discharged from the hospital and called to support the charges of abuse of patients he very positively stated that he never witnessed any such abuses. This is the kind of testimony that should be given credence.

Lloyd Green, another witness called to support the charges, testified that he was discharged for being asleep while on duty, but that he never witnessed any abuse of patients (p. 268) although he had been employed there for about six months. He also testified that patients were treated well. Is not this testimony more worthy of belief than that given by people who are unfriendly to the superintendent?

James Albert Ogden, another discharged attendant (p. 261), called to support the charges, testified that he never saw patients mistreated, but that he had "trouble in handling them a little rough sometimes; but we never struck them or anything like that. * * * We was always very careful; everybody I ever saw was just as careful as they possibly could be."

The committee hesitated to believe the testimony given by certain witnesses, formerly attendants, who were hostile to the superintendent, and some of whom were discharged for cruelty to patients. The following is a brief analysis of such testimony:

Bernard Allen, who is designated in the gentleman's remarks (p. 197), testified that the abuse he witnessed was the placing of strait-jackets on patients, which, he said, was necessary in some cases and in other cases because of lack of attendants; that he was discharged for "refusal to take a wheelbarrow and clean up around the buildings," although the records of the hospital show that he was discharged for insubordination (p. 403).

Owen S. Allen (p. 231) testified that he had struck patients in self-defense, to protect himself. "Often, you know, they would become unruly, and I would have to do the best I could. * * * I would have to take them and throw them in a room and lock them up." He admitted (p. 234) that this abuse was not done for vindictive purposes, but only in order to protect himself; that he and other attendants meant to be kind to patients. He also testified that he was discharged for sleeping while on duty. The hospital records show (p. 414) that he was discharged for neglect of duty and the use of intoxicating liquors on the hospital grounds.

Townsend Belt (p. 170) testified that patients were abused; that he was "fired because I went to see the committee of the Medico-Legal Society," but he admitted that he was charged with being asleep while on duty. The hospital records show, however, that Belt was discharged for being asleep while on duty and for being under the influence of liquor.

Joseph W. Belt (p. 327) testified that an attendant named Hawkins would abuse patients by striking them with a piece of insulated wire and that it happened on several occasions, and, although he was employed from October, 1903, to January, 1906, when he was discharged, he could not remember the names of the patients struck, except one named "Rube." He also said he was working under Hawkins and that he did not know why he had been discharged. Hawkins was before the committee and positively denied Belt's charges, and further testified that Belt was never under him as an attendant (p. 713).

Milton Berry (p. 1056) testified that he saw patients abused and that he "only seen them treated rough in case of necessity where they would have to be treated so in case of self-defense. * * * I have seen them toweled, but only to subdue them when they couldn't manage them." He also stated that he himself struck patients in self-defense "only when it was necessary, and I didn't have proper help to handle them otherwise." He admitted that he never reported attacks of attendants on patients, in accordance with the rules and that they never used strait-jackets on his ward, although he had much trouble with patients and that patients were not cruelly treated "unless it was necessary to protect the attendant." He admitted that he was discharged.

Spencer Herbert (p. 27) testified as to abuse of patients, but admitted that he never reported such abuses, as the rules prescribed; that he saw but one patient "strapped in bed" and that he supposed the patient was dangerous; that strait-jackets were used on patients, but that they were not painful. This witness admitted that he made an affidavit at the request of Doctor Emmons, who was one of the persons who instigated the charges; that he read it over before signing it; and when his attention was called to the fact that in such affidavit he swore that he saw "patients" strapped in bed, he said he meant to say that he saw only one patient strapped. The hospital records (p. 404) show that this witness was discharged for being absent without leave.

Thomas L. McMurray (p. 35) testified as to many cases of abuses of patients, although he admitted that he never interfered with nor reported such cases to the superintendent, as he should have done under the rules. He said he was discharged, the charge being "an act with intent to strike a patient, and for excessive use of material." The hospital records show (p. 411) that this witness was discharged for excessive use of material. The charges of abuse of patients were denied by the testimony of Maenche, the foreman of laundry, where McMurray was employed (p. 1390). Charges of excessive use of material, absence from duty without leave, threats to do bodily harm to patients, and ignoring special order of superintendent were also filed against him by Maenche, among other things. These charges were substantiated by the sworn statement, taken from the hospital records, of Harry Eno (p. 412). There is also a letter on the records from his former employer stating, among other things, that he could never be relied upon, because of insobriety (p. 413).

Patrick O'Connor (p. 176) testified that he saw one case of cruelty, that of Attendant Eugene Skinner "striking and choking a patient," but admits that he did not report the case. This was positively denied by Skinner (p. 1462). O'Connor admitted that he was discharged for disobeying orders of the superintendent.

Clarence Pendleton (p. 1032) testified as to abuse of a patient by an attendant named Lloyd, and also other abuses. He admitted that he himself had struck patients, but only in self-defense, and that he was discharged from the hospital for refusing to work on wheelbarrows. Burch, a supervisor, testified (p. 635) that Pendleton was discharged for refusing to take the patients out and clean around the buildings. Lloyd denied Pendleton's charges (p. 1501).

Thornton O. Pyles, a very troublesome employee, and a man who was constantly complaining to the superintendent about long hours of work, lack of attendants, and various other things, and the man who was engaged to assist the people who made the charges, testified that patients were abused by use of strait-jackets; that he put them on patients himself, and that it was necessary in many cases, in order to prevent the patient from hurting himself and because of the insufficient number of attendants to care for the patient (p. 81). Pyles was employed at the hospital for more than two years, and testified that he saw many cases of cruelty, but when asked to specifically state a particular case or give a name he could "not just recall any particular case" (p. 89); that patients would abuse each other; that attendants would strike patients in self-defense, but that "he could not positively say" that he ever saw an attendant voluntarily knock a patient down. Pyles also testified that he saw bed saddles, and assisted in using them upon patients, but that "it was done as gently as possible," and that it was not painful. Chappelear, a witness and former attendant who resigned, testified that he saw Pyles strike patients (p. 1501). Pyles also testified that he was discharged for presenting a petition to board of visitors, but the hospital records show that he was discharged for conduct prejudicial to the good order of the hospital and to the interests of the service (p. 402). Pyles was present at nearly all of the hearings and was busily engaged in attempting to prove charges by the aid of attendants and discharged attendants. The committee concluded that the testimony of this witness was not worthy of consideration, but the gentleman from Florida considers Pyles's testimony as of the greatest importance.

The evidence shows, beyond a doubt, that whenever charges of abuse of patients were made against attendants an investigation was had in every case and, wherever proved, the attendant was dismissed.

This is the character of testimony upon which the gentleman bases his argument in regard to abuses of patients at the Government Hospital for the Insane. The committee went over all of the evidence with great care and found it necessary to eliminate some of the testimony given by witnesses which was so strongly contradicted by others, and especially in the cases of those witnesses who were former employees of the hospital and were discharged for good reason.

The testimony also shows that the following attendants were summarily dismissed for violation of the hospital rules, and especially upon the charge of abuse of patients:

Acton, Bernard Allen, Owen S. Allen, Baldwin, Barnes, Joseph W. Belt, Townsend W. Belt, Berry, Bowen, Cullinane, Green, Hall, Herbert, Hill, Hodges, Mayfield, McMurray, O'Connor, Ogden, Pendleton, Penn, Pyles, Satterfield, Spencer, Tennyson, Weedon, Wilson.

A reference to the index of the testimony, at page 1943, will give some valuable information on this subject.

On page 1953 of the report will be found the names of witnesses, both patients and attendants, who testified in regard to the kind and humane treatment of the patients at the hospital. These witnesses number more than 70.

The committee also heard the testimony of the superintendent, the members of the medical staff of the hospital, and a large number of attendants, all of whom denied in positive terms that the patients were abused.

The rules of the hospital provide for the discharge of employees who are found to have abused the patients. These rules make it imperative for the employees to report any cases of abuse of patients to the superintendent. Several of the witnesses admitted, however, that every once in a while an attendant would abuse a patient, but that in every case where such conduct on the part of an attendant was brought to the attention of the superintendent the matter was promptly investigated, and where the charge was proven the attendant was discharged.

It is reasonable to suppose, after reading the testimony given by the superintendents of the state hospitals who appeared before the committee, that in every institution for the insane an attendant will be found who, for some reason or other, will assault a patient, but it was the opinion of the committee that such manner of abuse is not tolerated when found out. These superintendents also testified that attendants who have a tendency to abuse patients have no difficulty in obtaining employment at other institutions, and that in some cases it is exceedingly hard to get a good class of attendants, but that they have to take those who make application for the position who seem to be qualified to handle and care for insane persons, because of the fact that people do not care to seek employment at institutions for the insane.

It is also reasonable to suppose that upon the least provocation, from conversations had with patients or some other source, relatives of patients will frequently imagine and charge that gross abuse is done them.

One case presented itself in this investigation which can be taken as a good illustration of this:

Nannie H. Griffin, daughter of Cecelia J. Griffin, a patient, testified that her mother was abused and mistreated by physicians and attendants (p. 489), and similar testimony was given by another daughter, Jennie H. Cole (p. 51). A son of the patient, Milton E. Griffin, however, testified (p. 789) that his mother received kind treatment and that he had no complaint to make. He said that he "never saw any evidence of cruel treatment of any patient," although he visited the hospital every week. The sisters testified that their mother had received a fracture of the ribs caused by carelessness of attendants, while the son testified that she received the fracture from a fall while carrying a blanket, and that the accident was unavoidable.

The gentleman, in his remarks, refers to the testimony of Jennie H. Cole, but very carefully omits mention of the testimony of her brother, Milton E. Griffin, who strongly contradicted her.

How can the gentleman state that over 60 witnesses testified to the cruel and brutal treatment of patients, when the reverse is the fact, as shown by the evidence? The gentleman lays great stress on the testimony of the witnesses Burroughs, Pyles, McKnight, Berry, Pendleton, Bernard Allen, and Thomas Seaton. If any fair-minded man would take the trouble to read the testimony given by these witnesses whose names I have just mentioned, and then read the contradiction of their testimony by disinterested witnesses, I am sure he will wonder why so much importance was given to this testimony in the gentleman's remarks.

As a complete answer to the statements made by the gentleman from Florida, in regard to the investigation of the Government Hospital for the Insane, I desire to read and insert in the RECORD, as part of my remarks, the report of the special committee to investigate the charges against the hospital.

INVESTIGATION OF GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. OLCOTT, from the Special Committee on Investigation of the Government Hospital for the Insane in the District of Columbia, submitted the following report:

To the House of Representatives:

The special committee appointed by the Speaker of the House, pursuant to House resolution No. 277, on April 21, 1906, as follows:

"*Resolved*, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of the House a committee of five, with full power and whose duty it shall be to make a full and complete investigation of the management of the Government Hospital for the Insane and report their findings and conclusions to the House; said committee is empowered to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, to take testimony and reduce the same to writing, and to employ such clerical and stenographic help as may be necessary, all expenses to be paid out of the contingent fund of the House,"

hereby respectfully submits its report.

In pursuance of said resolution the Speaker appointed as such committee Messrs. OLCOTT, Smyser, BARCHFELD, HAY, and PADGETT.

On May 1, 1906, the committee organized, and on May 2 visited the Government Hospital for the Insane and made a personal inspection thereof.

Notifications to attend the first hearing were given to Hon. FRANK CLARK and Hon. WILLAM SULZER, Members of the House of Representatives, who had spoken on behalf of those who had made charges against the institution, and who had appeared before the Committee on Rules prior to the time when the resolution was reported from that committee. Notices of the first hearings were also sent to Dr. C. M. Emmons and Mr. Richard P. Evans, representing the Medico-Legal Society.

On May 4, 1906, public hearings were begun.

On May 7, 1906, Hon. ROBERT M. WALLACE was appointed a member of the committee, vice Hon. L. P. PADGETT, resigned. No other changes have been made in the committee since its appointment.

The committee at its first hearing decided that the investigation should cover a period of time beginning October 1, 1903, the date of the appointment of Dr. William A. White as superintendent.

From May 4, 1906, to June 28, 1906, the committee held 33 public hearings, and on November 26, 27, and 28 visited the Central Islip State Hospital and the Manhattan State Hospital, in New York. A further public hearing was held on December 13, 1906.

At the first hearing the committee gave notice to Doctor Emmons and Mr. Evans, representing the Medico-Legal Society, that the committee desired to examine any witnesses named by them who could shed any light upon the charges which had been preferred, and requested them to furnish a list of witnesses they desired to have examined. A list of witnesses was furnished to the committee by these gentlemen, and such witnesses were examined.

In the examination of witnesses great latitude was given, and wherever practicable all questions suggested by the representatives of the Medico-Legal Society or persons interested in making charges against the hospital were propounded to the several witnesses. The rules of testimony in legal proceedings were not followed, the committee believing that the intent of the resolution was that a thorough investigation of all matters connected with the hospital should be had.

There were examined under oath some 287 witnesses, a great number of whom were called at the request of those who had made the charges. The others were persons who had been or were employees in the hospital, persons with whom the hospital had business relations, and a number of disinterested persons, including superintendents of institutions of similar character throughout the country and officials connected with boards of lunacy in States of the United States.

The several superintendents who were examined were all requested to make, and did make, an examination of the Government Hospital for the Insane before giving their testimony.

Notwithstanding the main desire on the part of the Members of the House of Representatives asking for the investigation was to cause an investigation of the charges of cruelty and ill treatment only, the committee went thoroughly into the entire question of the management of the hospital and all matters relating thereto, as directed by the resolution.

The committee submits with its report the printed copy of the testimony, which, with the index, aggregates 2,010 pages, and a digest of the evidence. The committee therefore does not deem it necessary further to present details of such evidence, except to refer to some of the prominent facts bearing upon specific subjects of inquiry.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

The hospital was created and is governed by laws passed by the Congress of the United States, now contained in the Revised Statutes, sections 8409 to 8444. (See record, p. 1786 et seq.)

The statutes provide that there shall be in the District of Columbia a government hospital for the insane, the objects of which shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia; that there shall be a chief executive officer of the hospital, called a "superintendent," appointed by the Secretary of the Interior, who shall be entitled to a salary of $4,000 a year; that the superintendent shall give bond for the faithful performance of his duties, shall be a well-educated physician, possessing competent experience in the care and treatment of the insane, who shall reside on the premises and devote his whole time to the welfare of the institution, and, subject to the approval of the board of visitors, engage and discharge all employees and determine their wages and duties; that he shall be the responsible disbursing agent of the institution and ex officio the secretary of the board of visitors.

The superintendent is directed to make an annual report to Congress at each regular session, which shall show in detail the receipts and expenditures for all purposes connected with the hospital for the fiscal year preceding such session. A board of visitors is provided for, consisting of nine citizens of the District to be appointed by the President, which board shall select its own president, and, subject to the approval of the Secretary of the Interior, make any needful by-laws for the government of themselves, of the superintendent and his employees, and of the patients not inconsistent with law. It is provided that the board of visitors shall visit the hospital at stated periods and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management, and that they shall make annually to the Secretary of the Interior a report for the preceding fiscal year, setting forth the condition and wants of the institution.

Under the statutes the superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, shall receive and keep in custody until cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions: First, insane persons belonging to the Army, Navy, Marine Corps, Revenue-Cutter Service, and Public Health and Marine-Hospital Service; second, civilians employed in the Quartermaster's, Pay, and Subsistence departments of the Army who may be or may become insane while in such employment; third, men who, while in the service of the United States, in the Army, Navy, or Marine Corps, have been admitted to the hospital and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge and have no adequate means of support; fourth, indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity; fifth, indigent insane persons who have become insane within three years after their discharge from such service from causes which arose during and were produced by said service.

In 1884 a statute was passed, now section 8416 of the United States Revised Statutes, providing that—

"Any inmate of the Soldiers' Home who is now or may become insane shall, upon an order of the president of the board of commissioners of the Soldiers' Home, be admitted to said hospital and treated therein; and the expenses of maintaining any such person shall be paid from the Soldiers' Home fund."

Section 8417 provides that—

"Any inmate of the National Home for Disabled Volunteer Soldiers, who may become insane, shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to the Government Hospital for the Insane and treated therein * * *."

Section 8418 provides that—

"Upon the application of the Attorney-General, the Secretary of the Interior is authorized and directed to transfer to the Government Hospital for the Insane in the District of Columbia all persons who, having been charged with offenses against the United States, are in the actual custody of its officers, and all persons who have been or shall be convicted of any offense in a court of the United States and are imprisoned in any state prison or penitentiary of any State or Territory, and who during the term of their imprisonment have or shall become and be insane."

Section 8419 provides as follows:

"If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and, if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital."

Section 8420 provides for the transfer of insane prisoners to state hospitals when there shall not be accommodations for such persons at the government hospital.

Section 8421 provides for the return of insane convicts restored to sanity to the prison from which the transfer was made. Section 8422 provides for the delivery to the court of insane criminals or persons charged with a crime and who have been restored to sanity. Section 8423 provides that an insane person not charged with any breach of the peace shall never be confined in the United States jail in the District of Columbia.

Section 8424 provides as follows:

"All indigent insane persons residing in the District of Columbia at the time they become insane shall be entitled to the benefits of the hos-

pital for the insane, and shall be admitted upon order of the Commissioners of the said District, which may be granted after due process of law, showing the person to be insane and unable to support himself and family or himself, if he has no family, under the visitation of insanity: *Provided*, That one-half of the expenses of the indigent patients from the District of Columbia shall be reported to the Treasury Department and charged against the appropriations to be paid toward the expenses of the District by the General Government, without regard to the date of their admission."

Sections 8425 to 8441, inclusive, providing for the admission and commitment of patients and the method of procedure in such cases, are conflicting and vague. The whole subject, however, is fully discussed on page 44 hereof under the head of "Commitment."

Section 8442 provides for the manner of disbursement of moneys appropriated by Congress for the support of the hospital. Section 8443 provides for the sale or exchange of surplus products and waste material of the hospital. Section 8444 provides for the receipt and disbursement of private funds of patients.

First. As to the superintendent.—From a personal examination of the hospital and a careful investigation of its management under Dr. William A. White, superintendent, from Doctor White's own testimony and that of his medical staff, from the testimony of the attendants formerly in the employ of the institution and now employed, from the testimony of the superintendents of other similar institutions, and of other persons having knowledge of the needs of hospitals for the insane, it is the opinion of the committee that Dr. William A. White is fully qualified for the position of superintendent, is an able and distinguished alienist, and an efficient, honest, and progressive manager of all of the several branches of the hospital, and a careful and humane care taker of the patients in his charge; that he conducts the business affairs of the institution and looks after the medical and physical affairs of its inmates well and faithfully, and fills all the requirements of the statutes.

Doctor White became superintendent of the Government Hospital for the Insane on October 1, 1903, succeeding Dr. A. B. Richardson. Since he assumed the office he has systematized the method of promotion, and has made a gradual increase of the salaries of the attendants; he has created the position of clinical director, the occupant of which, among other things, has charge of all of the daily records of the patients in the institution, and in this connection has not only adopted a complete system of clinical records, but has caused to be prepared such a record of every patient in the hospital from the time of his admission; he has created the position of matron, the position of storekeeper, the position of librarian, and the position of assistant in the pathological department, all of which have materially benefited the institution and its patients. Upon his recommendation, the board of visitors approved of the appointment of a woman physician to have especial charge and supervision of the women's department of the hospital. He also instituted a system of examinations of attendants about to enter the training school, so that the standard of nurses graduating therefrom would be superior to that which obtained at the time he became superintendent.

He also, on January 27, 1904, less than four months after assuming his position, issued an order to the medical staff directing the discontinuance of the so-called "bed saddle" as a means of mechanical restraint.

He has, so far as the management of the buildings would permit, separated the various classes of patients—tubercular, epileptic, and criminal insane. As far as practicable, the white and black patients have been separated in their several classes.

He has inaugurated the system of the holding of meetings of the medical staff every Sunday, at which meeting scientific questions affecting the interests of the institution are discussed.

He has created and caused to be installed a system of hydrotherapeutic treatment of patients, which tends to do away with the necessity of the use of mechanical restraint in many cases.

The hospital maintains three hydrotherapeutic departments for the treatment of recent cases of mental disease and such other diseases as are known to be benefited by the systematic use of water. These departments are installed in the buildings set apart for the reception of acute cases, namely, acute psycopathic ward for white men, for white women, and for colored women, and consists of waiting rooms, a number of dressing rooms, rooms for the administration of packs, and douche rooms. The douche rooms are thoroughly equipped with the most modern apparatus and appliances used in the administration of water in the treatment of disease. The douche table is so constructed that its supply of hot, cold, and ice water is sufficient for all requirements, and the temperature of the water can be easily and quickly regulated to each degree and the pressure to each pound by means of a system of stopcocks. These rooms also contain hot-air cabinets, massage tables, sitzbath tubs, etc.

The hospital is so completely and thoroughly equipped that the bathroom operators can carry out the hydriatic prescriptions given by physicians in charge of the departments for each individual case. Treatments are given daily to a large number of patients consisting of ablutions, affusions, sheet baths, drip sheets, wet packs (cold, warm, hot), full baths (cold—with friction—warm, hot), full baths (continuous), sitz baths, hot-air baths (local and general), medicated baths and douches (needle, rain, fan, spray, jet, spinal, and Scotch).

Plans and specifications for continuous baths in this department have been passed upon, and in a short time the system will be installed in conjunction with the acute services for men and women, thus enabling the hospital to avail itself of a form of treatment that has come to be recognized as the most modern method of administering treatments in connection with acute and violent cases of insanity.

Second. As to the medical and consulting staffs.—Of the efficiency of the medical staff there can be no doubt. The staff is composed of men who, without exception, are fitted for their duties, have proper training and education to meet the requirements of their several positions, and from the testimony the committee believes that they labor earnestly and properly care for the protection and welfare of the patients.

The work of these gentlemen is arduous. They live on the institution grounds, and are practically constantly on duty. One of them, the night medical officer, is actually on duty every night from 9 p. m. to 7 a. m., and visits the various wards during that time. He is always on call and can be found in case of disturbance in any of the wards by telephonic communication. In case of emergency he can summon other physicians.

The physicians are appointed after a competitive civil-service examination.

There are 15 physicians, including the superintendent, on the staff, assigned to the various departments. They are entitled, with their families, to maintenance at the hospital, which the committee thinks is proper and similar to arrangements provided for in many other institutions.

To show the standing of the several members of the medical staff, it should be mentioned in this report that they hold positions in medical schools and colleges as follows:

Dr. William A. White, superintendent, is professor of nervous and mental disease in Georgetown University and professor of mental disease in George Washington University. Dr. I. W. Blackburn, pathologist, is professor of morbid anatomy in Georgetown University and in George Washington University. Dr. Charles H. Clark, clinical director, is professor of nervous disease in George Washington University. Dr. Shepherd I. Franz, psychologist, is professor of physiology in George Washington University. Dr. William H. Hough, junior assistant physician, is lecturer on medical zoology in Georgetown University.

The above-named officers of the Government Hospital for the Insane conduct weekly clinics at the hospital. These are attended by students from George Washington and Georgetown universities and from the United States Naval School and the United States Army School.

Doctor Blackburn, in charge of the pathological department, is a well-known pathologist, and there is no doubt that the work which he performs is important from a scientific standpoint. This department is devoted primarily to the study of the lesions of the brain and other organs associated with mental disease. It has three divisions, namely: (1) The division of morbid anatomy and pathological histology; (2) the division of clinical pathology, and (3) the division of photography.

The department of morbid anatomy has a well-equipped autopsy room, with an amphitheater seating about 40 students. Here are given weekly demonstrations in autopsy work and morbid anatomy to the students of the medical departments of Georgetown and George Washington universities and to the training school for nurses of the hospital. This department has a museum in which are preserved all important pathological specimens, now numbering considerably over 1,000. The pathological histology is conducted under this division with an excellent equipment of modern instruments.

In the division of clinical pathology are made the necessary examinations for aid in diagnosis and for clinical study of the cases, and the results are filed with the case records.

In the division of photography the photographs of the patients are taken on admission and at times during the progress of the disease. These are filed with the case records and kept for reference. An important feature of this division is the photography of pathological specimens, and of these the hospital has a large collection.

The consulting staff of the hospital consists of eminent physicians in the District of Columbia, and many of them have given testimony as to their visits and treatment of patients. There is no doubt as to their efficiency.

The surgical department is also worthy of note. It has an operating amphitheater with a seating capacity for about 60. Adjoining this room and to the rear are the surgeon's room, room for instruments and dressings, and the anæsthetist's room. This department is thoroughly modern in all its appointments, the operating room being especially well equipped. The floor is of white tile, the wainscoting of white Italian marble, and the side walls and ceiling white enameled. The room is equipped with a dressing sterilizer, instrument sterilizer, sterilizers for hot and cold water, an instrument case, operating table, instrument tables, and all the various accessories necessary for a well-equipped operating room.

Surgical clinics are held frequently, and in many instances physicians and medical students of the city have attended. This amphitheater is also used in connection with the training school for nurses, recitations and demonstrations being frequently held there.

Since the investigation the committee has been informed that the superintendent has appointed a psychologist for special research work in the realm of abnormal psychology. The laboratory has been equipped with about $3,000 worth of modern psychological apparatus and appliances, and is sufficiently well installed to take up any line of work in this field.

The psychologist is at present at work in connection and collaboration with the clinical department in outlining systematic and uniform methods of clinical examination into the mental condition of patients for the purpose of greater uniformity in the records, and also of rendering them more useful for purposes of study, statistical or otherwise.

Third. As to the charges of cruel treatment and abuse of patients.—It must be remembered that these charges have been made in almost every case by either a patient now in the hospital, a patient who for one reason or another has been discharged, or by a discharged or resigned employee. The committee has heard everything that can be said by all of the witnesses of any of these classes, and has given due weight to their testimony. There unquestionably have been some cases of cruelty to patients by attendants, but in no case was this sanctioned by the superintendent of the hospital or any of the medical staff; but, on the other hand, most of the witnesses have testified that upon accepting their service the strictest injunctions were given to them by either the superintendent or some of the medical staff against harshness in the treatment of patients, and also that a printed book of rules and regulations embodying such direction was given or read to them at the beginning of their employment. Such rules are printed in the record. Not only this, but the testimony is practically unanimous that a violation of such rules was met by prompt punishment, usually by the immediate dismissal of the attendant. The testimony also shows that the following attendants were summarily dismissed for violating the rules of the institution, and particularly for abuse of patients:

Acton, Bemont Allen, Owen S. Allen, Baldwin, Barnes, Joseph W. Belt, Townsend W. Belt, Berry, Bowen, Cullinane, Green, Hall, Herbert, Hill, Hodges, Mayfield, McMurray, O'Connor, Ogden, Pendleton, Penn, Pyles, Satterfield, Spencer, Tennyson, Weedon, Wilson.

When reasonable proof of cases of cruelty has been given to the superintendent or any of his staff complaint has been made to the authorities of the District, and criminal prosecutions have been instituted at the instance of the authorities of the hospital. The average number of patients is 2,600, and of attendants who come into actual contact with patients about 300. Considering these numbers the cases of cruelty alleged are few, and the committee is of the opinion that the general treatment of the patients in the institution is satisfactory.

Superintendents of other institutions have testified that unfounded complaints of harsh treatment of patients are frequently made in most institutions for the care of the insane by the patients themselves or by their relatives.

Isolated instances where charges of cruelty have been made can be cited, but the majority of witnesses, even though criticising the retention of particular patients in the institution and complaining about the food, etc., have said that the treatment of the patients was good.

Testimony has also been given as to specific cases of abuse of patients by attendants, but in almost every one of these cases the charges have been denied in positive terms by the attendants who were charged with such abuse or by the physicians of the hospital or other employees.

Among charges that were made was that of giving patients food by means of a feeding tube, used as a method of punishment. This is not only disproved, but the testimony which sought to show this was the case was absurd.

As to the charges of so-called "toweling" of patients, there is no proof as to this alleged method of abuse. Although the witness, Otis A. Wilson, a discharged attendant, swore that he himself toweled patients, from his manner and contradiction of his own statements the committee is of opinion that this testimony is unworthy of serious consideration.

As to the charges made in regard to improper bathing of patients in the same water that had been used by other patients, it appears from the testimony that in one or two instances this had been done, but that the rule of the hospital was against it and that the rule was usually maintained. Such charges were made by two patients and two discharged attendants, and their testimony was denied by a number of witnesses. The committee therefore believes that these charges have no foundation.

After a careful examination into the charges of the abuse of patients and consideration of the testimony adduced in connection therewith, and having in mind the demeanor of the various witnesses while on the stand, the committee is of the opinion that such charges have not been sustained by the testimony.

The testimony not only of Doctor White and the gentlemen connected with his medical staff, but also of the superintendents of the institutions throughout the country, is that it is a matter of great difficulty to obtain a proper class of attendants in institutions for the insane, but that the superintendent exercises care in their selection.

Fourth. As to methods of restraint.—In the charges much talk was heard of strait-jackets. Strait-jackets in St. Elizabeth's Asylum do not exist, and have not for many years. On rare occasions a garment called a "camisole" is used, which consists of a canvas jacket which is laced in the back and which has long sleeves. When a patient becomes so violent that he seeks to do damage either to himself or another patient this camisole is placed upon him, so that the use of his arms is curtailed and the damage which he seeks to do, either to himself or to others, is made impossible. In the government hospital this has been used on a few occasions, but never without the direction of a physician, and then only when it was necessary for the protection of life or limb. This method of restraint is used at other institutions, some superintendents having testified that it was a method of treatment rather than abuse. With two exceptions, superintendents of other institutions said that it was necessary for the good of the patient to use some method of restraint.

The committee is convinced from the testimony that Doctor White since his appointment has made possible the lessening of this and other methods of restraint by the institution of the hydrotherapeutic treatment above described.

As to bed saddles, the use of these was discontinued upon the order of Doctor White shortly after he took office, to wit, on January 27, 1904.

As to handcuffs or straps: During the time that the members of the committtee visited the institution handcuffs were used on one individual confined in the criminal ward. The handcuffs consisted of leather wristlets connected by a strap, which could under no circumstances have given any discomfort or pain to the patient. This method is proper, especially in homicidal cases.

The sheet rest is a method of tying in bed a patient whose restlessness makes it possible, if not probable, that he may fall out of bed and seriously injure himself.

As before stated, none of these is ever applied except upon the immediate direction of a physician, and then only in cases of necessity for the welfare of the patient.

The witnesses Dr. George A. Zeller and Dr. William F. Drewry, superintendents of institutions for the insane, testified as to the nonuse of mechanical restraint at their respective hospitals, and stated that it was their opinion that such restraint was not necessary. There was also submitted a list of institutions, nine in number, at which it is claimed that the use of mechanical restraint is prohibited.

The committee, however, went into this question with great care and took much testimony thereon. From an examination of such testimony and after a personal inspection of the Government Hospital for the Insane, as well as several other hospitals, it not only approves of the present methods of restraint at the Government Hospital for the Insane, but deems it essential for the benefit of the patient himself and for the prevention of harm to other patients or attendants.

Fifth. As to attendants.—Altogether there are approximately 700 employees in the hospital, and of these about 300 come in contact with the patients. They work in two shifts. The attendants are on duty from 6 o'clock in the morning until 5 in the evening one day and from 6 o'clock in the morning until 8 o'clock in the evening the next day—that is, eleven hours one day and fourteen hours the next. Each of the attendants gets half a day off once a week. They get one Sunday every three weeks. The exact amount of time that they are on duty can be best described from the testimony of Doctor Clark, appearing at page 510 of the record. In forty-two days, or six weeks, each attendant is entitled to two Sundays. Six of the remaining forty days they work six hours, and the balance of thirty-four days they work fourteen hours, and an average of eleven hours the other seventeen. In other words, they work about an average of eleven hours a day—that is, without including vacations. They receive every third holiday and fifteen days vacation with pay.

All of the superintendents from other hospitals testified in regard to the hours of work, and it has been found that the average time in the several institutions is greater than that in the Government Hospital for the Insane. One of the institutions has three shifts of eight hours each, but the consensus of opinion of all the superintendents, with one exception, is that the eight-hour system is impracticable and that the result of having three shifts instead of two shifts is prejudicial to the interests of the patients. The superintendents agree that greater success is obtained by having as few attendants in charge of particular patients as is possible, as the patients become attached to the attendants and become disturbed at frequent changes of them.

It is proper here to state, for the purpose of comparison, the situation existing at some of the hospitals, taken from the testimony.

At the state hospital at Columbus, Ohio, and the Massillon state hospital of Ohio, the hours of service of attendants are materially longer. At the Manhattan state hospital at Wards Island and the Central Islip state hospital, and all of the other New York state hospitals, the time of work is thirteen hours daily. At the Morris Plains state hospital in New Jersey the average time is fifteen hours. The Illinois Asylum for the Incurable Insane, before mentioned, is the only institution where there are the three shifts of eight hours each. It is true that the attendants are nominally on duty for eight hours, but none of the attendants can leave the hospital after their eight hours are completed, but must remain on duty for emergency calls.

As far as the pay of the attendants is concerned, there is not a great difference between the government hospital and other similar institutions. Generally speaking, the government hospital leads. There are differences in the minimum pay in some cases and the maximum in others, but the difference in the pay does not seem to be greater than local conditions might warrant.

The attendants are divided into male probationers, female probationers; full attendants, both male and female; charge attendants, male and female; nurses, male and female; chief nurses, male and female; assistant supervisors, male and female; supervisors, male and female. Their salaries are as follows: The male probationers begin at $18, the female at $14; the male attendants receive from $20 to $30, the female attendants from $15 to $25; the male charge attendants receive from $25 to $35, and the female charge attendants from $20 to $30; the male nurses receive from $25 to $35, and the female nurses from $20 to $30; the male chief nurses receive from $30 to $40, and the female from $25 to $35; the male assistant supervisors receive from $35 to $50, and the female from $30 to $45; the male supervisors receive from $40 to $60, and the female supervisors from $35 to $55.

The chief nurses now employed in this institution are both women, and the 300 attendants above mentioned include the chief nurses and all of the others, including the probationers. It also includes a few domestics who do dining-room work, which in most of the institutions appears to be done by the attendants themselves. There are only two chief nurses, and their duty is to supervise the nurses. A charge nurse is the one that is in charge of a ward.

The appointment of all the attendants in the hospital is made directly by the superintendent, subject to the approval of the board of visitors. There is no civil-service examination except as to physical condition, special qualifications, age, and experience; but the applicant for appointment fills out an application blank on these lines, and the promotions from the lower to the higher grades are made by the administration. A training school is connected with the hospital, and the attendants when they are appointed are urged to enter the training school.

Most of the attendants live in the hospital. There are some few of them to whom permission is granted to live outside, where such permission does not interfere with the management of the institution. The preference of the administration is to have the attendants live in the hospital grounds, so that they may all be available in case of emergency. Inasmuch as the permission to live outside of the grounds is considered a privilege, these nurses do not get additional compensation. The domestics above referred to are few in number, about 12, and they do dining-room work and some general housework, to supplement that done by the attendants.

The employees (about 400 in number), besides the attendants, include the superintendent, the medical staff, the office force, the employees in the engineering department, and all others employed.

On pages 418 to 446 of the testimony will be found the pay roll as classified for the present superintendent when he took charge of the institution, and also the pay roll as at present classified by Doctor White. The committee is of the opinion that the list of employees could not be materially decreased without injury to the institution and to the welfare of the patients, and sees no reason to recommend any especial change in the number now employed. This is a matter that is properly cared for by the superintendent, and seems to have been done with a view to accomplishing the best results for the hospital as economically as is feasible.

In regard to the relation of the number of attendants to the number of patients, the charges that have been made allege that there are not enough attendants in the Government Hospital for the Insane to properly care for the patients, and a list, showing the ratios of attendants to patients in several institutions, was submitted to the committee by Mr. R. P. Evans.

It is quite true, as stated by Mr. Evans in his testimony, that, from such list, it appears that there were more attendants in proportion to the number of patients in those several institutions than there are in the Government Hospital for the Insane; but the examination of superintendents of other institutions before the committee discloses the fact that, if anything, the government hospital has a greater number of attendants for the same number of patients than exists generally in other institutions. For instance, the Manhattan State Hospital, in New York City, has about 1 attendant to 8 patients; the Central Islip State Hospital, of New York, has a ratio of 1 to 10; the Central State Hospital for the Colored Insane, at Petersburg, Va., has a ratio of 1 to 15; the Columbus State Hospital, of Ohio, has a ratio of 1 to 13; the Illinois Asylum for the Incurable Insane has a ratio of 1 to 9; the Massillon State Hospital, of Ohio, has a ratio of 1 to 15; the Morris Plains State Hospital, of New Jersey, has a ratio of 1 to 9; the Western Pennsylvania Hospital for the Insane has a ratio of 1 to 10.

The ratio at the Government Hospital for the Insane is 1 to 8.

While the several institutions mentioned in the statement submitted by Mr. Evans have a greater number of attendants, considering the number of patients, with one single exception they are institutions having a very much smaller number of patients, and it is the opinion of the committee that where there is a small number of patients there will be a greater number of attendants proportionately. For instance, if in a single ward there are only three patients, it is necessary to have at least two attendants for that number of patients, so as to provide for the service of attendants day and night.

Mr. Evans mentioned one hospital, the South Dakota Hospital for the Insane, which has only 575 patients. In this hospital, however, are 120 employees, including the attendants. It is a fair inference, and there seems to be no reasonable doubt, that these same 120 employees could care for almost double the number of patients without any failure to provide for their necessary attendance; and, generally speaking, when the size of the hospitals, the number of attendants, and the number of patients are considered, there is no reason to believe that the patients in the government hospital would be better served by an arbitrary increase of the number of attendants.

Sixth. As to the food.—The dietaries have been arranged with what appears to be considerable care. Besides the general dietary, special diets are prescribed for tubercular patients and for old and feeble patients. The complete dietary is contained in the testimony of Doctor Clark, on page 522. At page 723 will be found another diet list of the hospital.

The dietary is quite similar to that in other institutions. It should be stated that the dietary of this institution is mentioned in one of the standard works on the subject, "Diet in Health and Disease," by Julius Friedenwald, M. D., clinical professor of diseases of the stomach, and John Ruhrah, M. D., clinical professor of diseases of children, in the College of Physicians and Surgeons, Baltimore, Md., in a list of dietaries in several hospitals and kindred institutions. The committee has no hesitancy in saying that, in so far as the dietary is concerned, it is healthful and sufficiently varied.

In the year 1903, and at the time when Doctor White was the superintendent of the hospital, the Department of Agriculture made a nutrition investigation at the Government Hospital for the Insane and gathered statistics during the course of such investigation. The committee quotes from the report of W. O. Atwater, chief of nutrition investigations of the Department of Agriculture, as follows:

"So far as can be judged from the results of these studies, as compared with similar data obtained elsewhere, the dietetic management of the institution was very satisfactory. Opportunities for improvement were observed, but these have to do with details rather than with the system as a whole. The diet was varied and attractive and certainly abundant. On the whole, the waste was larger than seems necessary, which would partially account for the fact that the cost of the diet was higher than would appear needful on theoretical grounds and higher than that of a similar diet in other institutions. * * * The studies made during the past year have given a tolerably clear idea of the existing conditions, and it is regarded as especially fortunate that during the present year it will be possible to make the attempt to improve them by applying the knowledge gained as the investigations at the government hospital are being continued with the cordial cooperation of Dr. W. A. White, the present head of the institution."

Most of the supplies of the institution are purchased after bids duly advertised for, under the direction of the Secretary of the Interior, and annual contracts are usually entered into. The Secretary of the Interior appoints a board to open bids, examine samples, and recommend awards. This board at present consists of the superintendent of the hospital as chairman; Mr. William B. Acker, the chief of the miscellaneous division of the Interior Department; Judge Parker, of the General Land Office; Mr. Rapp, of the Secretary's office, and Mr. A. E. Offutt, who is the general purchasing agent for the hospital. Mr. Offutt was appointed by Doctor Richardson, the predecessor of the present superintendent, and has held the position continuously for six years. It is his duty to receive, a short time before the close of each fiscal year, from the heads of the various departments of the institution, such as the electrician, the engineer, the dry goods storekeeper, the grocery storekeeper, the pharmacist, and the farm steward, a list of the probable requirements for the ensuing fiscal year. These are properly classified and submitted to the Secretary of the Interior. Advertisements are inserted in the usual manner in some of the leading papers of the country, inviting bids for the items. Besides the articles that can be purchased in this way, the Secretary of the Interior permits the purchase of certain articles, mainly eggs, vegetables, fresh fish, fruits, and oleomargarine, in the open market.

In making the purchases above referred to, whether under the contracts made by the Secretary of the Interior with the several dealers or in purchasing goods in the open market, the purchasing agent is responsible.

The testimony that has been offered in regard to these food supplies shows that the food purchased is of a good quality and is obtained with proper consideration for the health of the inhabitants of the hospital, combined with the economical administration of the institution, although some testimony was introduced tending to show that at times the average in quality had not been what it should have been.

In the course of its examination the committee visited the kitchens of the institution, and believes that the food is of sufficient quantity and, notwithstanding the complaints that have been made as to improper preparation, is generally of good quality and fittingly prepared.

The committee believes that by the placing of steam tables in all of the dining rooms and building at least one, if not two, additional kitchens, the facilities would be such that the preparation of the food and its prompt service might be improved, and would recommend that when specific improvements of this character are asked for by the superintendent of the hospital such recommendation be adopted and proper provision made.

Seventh. As to the buildings and farm.—There are the following departments in the hospital in connection with the care and treatment of patients:

The women's department, consisting of 11 buildings (oaks D and E being one building), with 646 patients and 83 employees, the number of patients in each building varying from 10 to 140, depending, of course, upon the size of the buildings.

The Howard Hall department, consisting of 5 buildings, with 354 patients and 45 employees.

The Richardson group department, consisting of 4 buildings, containing 371 patients and 43 employees.

The detached buildings, consisting of 7 buildings (Allison D^1 and D^2 being one building), with 664 patients and 56 employees.

The receiving department, consisting of 2 buildings and having 447 patients and 74 employees.

The full list of these several departments and the buildings they contain, with the number of patients and employees in each of the wards, is set forth on page 520 in the testimony of Doctor Clark.

In addition to the buildings mentioned, the building or buildings designated as the east side, consisting of 13 or 14 wards, were unoccupied and therefore omitted from the testimony. The committee has been informed, however, that the wards of the east side, with a few exceptions, are now occupied by patients, as are the buildings Dix 1 and Dix 2, also omitted from the testimony.

The buildings that have been most recently erected are in excellent condition, and are suitable for the purposes for which they were built. They were entirely completed just after the present superintendent assumed charge, appropriations having been granted by Congress and the buildings having been near completion at that time.

The land owned by the Government and occupied by the hospital consists of a plot of about 350 acres, upon which all of the buildings above mentioned are situated, and besides this property there is owned the Stevens farm, of about 60 acres, which is only a short distance from the hospital, and also the Godding Croft farm, of approximately 450 acres, 5 miles distant. This farm is in charge of the superintendent, and employs about 20 hands, besides something like a dozen of the patients. These hands are paid from $20 to $32.50 per month. Fourteen horses and five mules are worked on the farm. The farm raises mostly truck vegetables and raises corn for silos. About 50 acres of the farm is in grass. All told, there are about 122 acres that are under present cultivation. The corn and garden truck are used by the hospital, and the rest of the farm is used for the pasture of the cows which are kept there, the milk from them being used in the hospital.

It does not seem to the committee that there is a sufficient utilization of the farm for the purposes of giving outdoor employment to the patients, but the committee entirely appreciates that this would be impossible with the present buildings now on the farm, as before more patients than are now used in the work on the farm could work there it would be necessary for an additional dormitory to be built, and the committee believes that this would be a useful adjunct to the general work of the institution.

The building established for the use of the female nurses is admirable.

It would unquestionably add greatly to the comfort of the male attendants and nurses if a similar building could be erected for their use, and the committee is informed that such a place is being established by the superintendent. There are other buildings on the hospital grounds used for the administration department, the engineer's department, barns, stables, etc.

Eighth. As to employment of patients.—Every witness who was questioned upon the subject, including the superintendent and the several members of the medical staff and all the superintendents from other institutions, said that it was an excellent thing for patients if they could be induced to work in any capacity. This is done in the Government Hospital for the Insane wherever it is feasible, and the patients generally are urged to work. It would not be possible nor even desirable to force patients to work, but no argument seems to be needed as to the beneficial results that ensue to the patients who have certain duties to perform. For this reason a considerable number of the patients are employed in or about the grounds and wards, in the barns, dining rooms, kitchens, laundry, sewing rooms, and on the farm. Altogether, there are something like 600 patients so employed.

From the testimony of superintendents of other institutions this is not as large a proportion as are employed in some of the other institutions; but different conditions seem to exist here. In the first place, there are in the institution about 700 people over 60 years of age, and it would be, in the opinion of the physicians, impossible to get work out of those people. Besides that, something like 250 to 300 people are bedridden. And many of the old soldiers and sailors confined in the hospital are averse to doing menial labor, so that the committee believes that the best that is possible with the material at hand is done to induce the patients to perform some labor. It, of course, should be remembered that the main object of asking the patients to work is for their own benefit and, incidentally, to decrease the expenses of the institution. The inability to secure a greater number of patients for this purpose is one of the reasons why the per capita cost is greater than in other institutions.

Ninth. As to so-called "bull pen."—In the course of the investigation mention was made of the inclosed group of buildings in the detached buildings department, which was designated as the "bull pen." As a matter of fact, the so-called "bull pen" consists of an inclosure of something over 7 acres of land, the grounds of which are improved, having in the inclosure trees and seats under them for the use of the patients. The so-called "bull pen," in fact, is a small park inclosed to allow the patients confined therein to have greater liberty in outdoor exercise.

The testimony in regard to this particular inclosure was given by Dr. J. T. Simpson, and appears on page 1497 of the record. He said that was a little park that he made himself; that with the help of some of the patients and employees he laid it out, graveled the walks, planted trees and shrubs, put out plants, and tried to beautify it as much as possible. It was entirely detached from the rest of the grounds. The patients were more or less confined to these limits, because the patients that were under his control were largely old men who would wander away. In that way the patients were, as a rule, not allowed a parole of the entire hospital grounds. They were confined within this space, and an ordinary parole meant inside of that inclosure. This was in the case where a greater confinement was necessary than with the men who were especially trustworthy and were allowed the privilege of going outside of the inclosure and going down by the river and around into other portions of the grounds. The buildings take up a good deal of the ground. There is a group of buildings, the Allison group, and although they take considerable space there is a fair amount of recreation ground left. There are some summerhouses there, and on a small scale it is laid out like a park.

Doctor Hummer testified as to the so-called "bull pen" and said that certain of the patients there are taken outside and through the entire hospital grounds in charge of attendants every day.

Tenth. As to the dual management.—Some testimony was taken in regard to the propriety of institutions similar to that of the Government Hospital for the Insane having a dual head, one for the medical care of the institution and the other for the care of the purchase of supplies and the management of buildings, etc. The committee is confident that this plan is one that is not feasible. The superintendent of one of the institutions testified that the mere question of food supplies should be under the immediate control of the medical superintendent, and stated that nothing was more important in the care of persons either mentally or physically ill than the question of their diet.

The overwhelming preponderance of the evidence is in favor of the single and not the dual management of such institutions.

Eleventh. As to classification of patients.—Since Doctor White has been superintendent the question of the proper segregation of patients has been carried to as great an extent as seems to be possible with the present buildings, and is being continued as rapidly as practicable. Epileptic patients have been separated from others as far as is possible; the tubercular patients have been entirely separated from other patients; paretics have been accumulated in separate wards.

It must be borne in mind that in this particular institution there are 500 criminal insane. They are confined in one building, commonly known as "Howard Hall." The committee believes that it would be of very great advantage to the institution for Congress to provide for the founding of a hospital for the criminal insane, so that that class of patients could be taken entirely away from the hospital.

Twelfth. As to pensions.—The testimony shows that a number of old soldiers at the hospital are drawing pensions, and some criticism has been made as to the method of collecting and disbursing the same. Section 8417 of the Revised Statutes provides that inmates of the National Homes for Disabled Volunteer Soldiers who may become insane shall, upon an order of the president of the board of managers thereof, be admitted to the Government Hospital for the Insane. This law made it mandatory upon the superintendent of the hospital to receive this class of patients, many of whom were at the time of their admission in receipt of a pension. Such pension money was, up to February 20, 1905,

paid directly to the wife or dependent relatives of the soldier, or to the soldier himself if he had no wife or dependent relatives, provided he was mentally competent to sign the pension voucher, in which case the superintendent certified that fact to the Pension Bureau. In the event that the pensioner did not have dependent relatives and was not competent to sign the voucher, the pension money remained in the hands of the Pension Bureau until a guardian was appointed by the court, when the money was paid over to such guardian.

The act of August 7, 1882, however, provided that such pension moneys, in cases where the inmate had neither wife nor dependent relatives, should be made payable to the superintendent of the hospital for the general purposes of the hospital, and the pensioner derived no special benefit therefrom.

Notwithstanding the act of 1882 last above referred to, and for some time after the passage thereof and before the incumbency of Doctor White, many of the inmates who had no wives or dependent relatives, and were able to sign the pension vouchers as before stated, received their pensions, but at some subsequent period not disclosed by the testimony all of these moneys were paid over to the superintendent for the purposes of the hospital, in accordance with the provisions of that act.

When Doctor White became superintendent he found some $30,000, which had accumulated under the provisions of the act of 1882, and, at the request of the Commissioner of Pensions, the same was turned over to him by said commissioner, and he in turn deposited such sum in the Treasury; but up to the present time no use whatever has been made of this money.

In some of these cases it was found that the soldiers at the time of their admission to the hospital were not in receipt of pensions, although they were properly entitled thereto. In those cases it was necessary, under the law, for a guardian or committee of the patient to be appointed by the court, in order that proper application for pension could be made to the Pension Bureau; but as the patient was received upon the order of the president of the board of managers of one of the National Homes for Disabled Volunteer Soldiers, it was further necessary to have such patient judicially declared insane by the court prior to the appointment of his committee and the subsequent application to the Pension Bureau for a pension.

Committees were appointed in certain cases, and where pensions were subsequently granted by the Pension Bureau, the same were collected, and in every case, upon order of the court, disbursed by such committees.

Congress passed another act on February 20, 1905 (which is printed in full at page 1743 of the RECORD). This act provides, among other things, that the pensions of all inmates of the hospital shall be paid to the superintendent, to be disbursed by him under regulations to be prescribed by the Secretary of the Interior, and such regulations have been accordingly made by the Secretary of the Interior and will be found at page 1744. These regulations direct the superintendent to receive the pension of the inmate as agent and use the same, first, for the benefit of the pensioner; second, for the benefit of relatives entitled under the law; and third, to reimburse the hospital for the pensioner's board and maintenance. The superintendent is also directed by the regulations to reserve from each pension an amount, not to exceed one-sixth thereof, to be expended in the purchase of such articles as may be required for the pensioner's welfare and which are not provided from the regular hospital funds or otherwise for the pensioner's benefit, and to charge the remainder, after payment therefrom for the benefit of relatives, if any, as provided in such regulations, with the pensioner's board and maintenance in the hospital, and to place any balance then remaining to the pensioner's credit on the books of the hospital; to pay any unexpended balance of pension money reserved for the pensioner's benefit and any pension money to his credit on the books of the hospital, in the event of the pensioner's discharge from the hospital, to the pensioner, or to his lawful guardian, or, in the event that the pensioner is returned to a branch of the National Home for Disabled Volunteer Soldiers, to the treasurer of such branch. In the event of the pensioner's death while an inmate of the hospital the superintendent is directed to pay the same to his widow, or, if there be no widow, to his minor children, or, if there be no widow or minor children entitled to payment of such balance of pension money, to apply the same to the general uses of the hospital.

From the evidence given on this subject it appears that in no case is there deducted from the pension money of an inmate a greater amount than $220 per annum for board and maintenance, which sum is the per capita cost appropriated by Congress.

It is also important here to say that, since the passage of the act of February 20, 1905, there is no necessity for the appointment of committees, except in a case where the inmate is entitled to certain arrears of pension, and in that case the law provides for the appointment of a committee to collect such arrears; but after the appointment of the committee and the receipt by him of such arrears the pension money must be turned over to the superintendent, as agent, to be used by him as hereinbefore stated.

While it would seem to the committee that the act of 1882, providing for the payment of pensions to the superintendent for the purposes of the hospital, was not reasonable or fair to the patient, it does not deem it within the scope of its duties to criticise the law.

But it is the opinion of the committee that the act of February 30, 1905, which, presumably, was passed to cure whatever of injustice existed under the act of 1882, is a reasonable solution of the question.

The pensioner now receives one-sixth of his pension money for the purpose of providing himself with such necessities as the hospital is not able to give him; a certain portion is paid to dependent or nondependent relatives; a certain portion, not to exceed $220 per year, is used for his board and maintenance at the hospital, and the balance placed to his credit, or, if he has no dependent or nondependent relatives, after the deduction of the amount of his board the entire amount of such balance is placed to his credit, and upon his discharge is paid over to him or his guardian. If the pensioner dies while an inmate of the hospital the amount standing to his credit is turned over to his widow or minor children, and, if there be no widow or minor children, to the hospital.

The committee believes that such disposition of pension money is fair, and that there is no necessity for recommending any changes in the law.

Thirteenth. Per capita cost.—In the course of the investigation there was more or less testimony taken from the officials connected with the Government Hospital for the Insane, the superintendents of other similar institutions, and others, as to the question of per capita cost, and it would appear from the schedules filed that such cost per capita in the government hospital was greater than that in similar institutions in various States. This is not universally so, as will be seen by the testimony of the superintendent, on page 920, where it appears that three institutions which he mentions cost more per capita than the government hospital. It should be said in this connection that the per capita cost of the Government Hospital for the Insane for the last twenty years has been at least $220 a year. During a short period of those twenty years the per capita cost was $225, as shown by the appropriations made by Congress for the institution.

Previous to the appointment of Doctor White as superintendent it was frequently necessary to make an appropriation in the general deficiency bill for deficiency in the maintenance of the hospital. This has not been the case since Doctor White's appointment, notwithstanding 15 additional buildings have since been opened, occupied, and maintained. As a matter of fact, at this time there are 18 more wards in commission than before he took charge of the institution. It is true that the number of people employed has been practically unchanged, but many of the salaries of the attendants and the other employees of the hospital have been raised.

Entirely apart from these facts, the population of the Government Hospital for the Insane is unique, and the character of the patients makes it practically impossible to make an accurate comparison with institutions for the care of the insane elsewhere. In the first place, something like 700 of the patients in the institution are more than 60 years of age; more than 250 of the patients are bedridden.

The men who have served in the military establishment of the country are usually unwilling to perform any voluntary labor. Generally speaking, they believe that they are entitled to a life of entire ease and freedom from work, as they would be were they in entire possesion of their mental faculties and inmates of a Soldiers' Home. Then, too, the white people who go to the institution from the District of Columbia are averse to performing anything in the nature of manual labor, as they are inclined to think that such labor should be performed by the colored inhabitants of the institution. On the other hand, the colored inhabitants of the institution are averse to performing labor because they feel that all labor is entitled to pay.

The authorities of the Government Hospital for the Insane endeavor to get the inmates of the institution to perform work, just as the superintendents of other institutions do, and labor with as much patience and earnestness as do the heads of other hospitals; but the fact remains that whereas in the Central Islip Hospital, in the State of New York, the Central Hospital for the Colored Insane of Virginia, and the Massillon State Hospital of Ohio between 75 and 80 per cent of patients are employed, the Government Hospital is not able to procure the services of more than 25 per cent.

Another reason why it is impossible for the Government Hospital to get as much work out of patients as in the case of these just mentioned: These institutions all have much more land immediately surrounding the buildings, and at the very doors of the dormitories farms of considerable proportions are maintained. This condition of affairs does not exist in the Government Hospital, and the circumstances prevent the cultivation of any but a small portion of its farm. The condition of the patients confined in the hospital, as specifically detailed above, makes it impossible to get a materially greater number of patients to perform work than is done by the present superintendent of the hospital.

In the opinion of the committee it would be advantageous to the institution and beneficial to the patients if additional lands could be obtained.

Fourteenth. As to the creation of a lunacy commission.—The evidence shows that there exists in many States a lunacy commission, whose duty it is, among other things, to make inspection of the various hospitals for the insane under its supervision.

The committee is of the opinion that, in case there were several government hospitals for the insane, it would be the part of wisdom for Congress to make legislation for the creation of a lunacy commission so that these several institutions could be conducted along the same lines, but in the case of the Government Hospital for the Insane there would seem to be no need for such a commission.

The board of visitors, whose duties are prescribed by statute, so far as the question of inspection is concerned, performs the work of a lunacy commission, and the committee believes that that was the object of the statute. The superintendent is, of course, under the control of the Secretary of the Interior.

The statute provides that the board of visitors, subject to the approval of the Secretary of the Interior, "may make any needful by-laws for the government of themselves, and of the superintendent and his employees, and of the patients, not inconsistent with law; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management, etc."

The committee can not conceive that anything would be gained by the appointment of a lunacy commission, but, on the other hand, there would be incurred, in case of such appointment, the expenses incident thereto.

There was testimony from one of the witnesses that there should be a lunacy commission created for the hospital, but the witness stated that the reason for his opinion was that other institutions for the insane might hereafter be created in the District which could be placed under the supervision of this commission, if appointed.

The superintendents of the various state institutions for the insane who were examined on this point sated that, although there was great necessity for a lunacy commission in their respective States, they could see no reason for establishing such a commission for the purpose of supervising control over one particular institution.

Fifteenth. As to the commitment of patients.—A great deal of time has been given to the question of the authority for and method of commitment of indigent patients from the District of Columbia to the hospital, and after a careful examination of the law in connection therewith the committee has no hesitancy in saying that the law as it now stands on that subject is misleading, conflicting, and ambiguous.

In addition to the Revised Statutes hereinbefore referred to, at page 1786 of the record and following, the committee found that the deficiency appropriation act of June 30, 1903, provided that "hereafter proceedings by the Commissioners of the District to commit indigent insane persons and insane persons with homicidal or dangerous tendencies shall be in the equity court of the said District and shall be in conformity with the law in force in the said District on the 30th day of January, 1899."

It also found another act, passed February 23, 1905, which was not included in the printed copy of the Revised Statutes filed as an exhibit.

Also, in the Code of Laws for the District of Columbia, amended to and including March 3, 1905, the committee found a provision, section 115a, in connection with lunacy proceedings, as follows:

"SEC. 115a. *Lunacy proceedings.*—All writs de lunatico inquirendo

shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and when necessary may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

The committee also found a decision on the subject made by the supreme court of the District of Columbia February 16, 1885, and hereinafter more specifically set forth in the matter of William M. Bryant. (3 Mackey's Repts., 489.)

A considerable amount of testimony was heard as to the method of the commitment of inmates of the soldiers' homes to the Government Hospital for the Insane, as provided by statute—that is to say, upon the written order of the president of the Board of Managers of said homes to the superintendent of the hospital. The form of such order will be found contained in the record at page 1205.

Objections were made by several of the witnesses to this method of commitment from the home on the ground that great injustice might be done to some of the old soldiers, and, in fact, they alleged that, in certain cases, inmates from the homes had been sent to the hospital, upon the order as aforesaid, who were in fact sane.

As to the legality of this method of commitment there can be no doubt, in view of the decision in the case of Bryant, before mentioned. By that decision the court held that these commitments were proper; that persons in the Army or Navy or Marine Corps, or, perhaps, even in the Revenue-Cutter Service, were already under control; and that "a soldier can be made to go into the hospital for medical treatment, upon the judgment of his superior officers, and they can order him to this asylum if they think that he ought to go there, and in that case the officer's action would be due process of law."

The committee also heard some testimony to the effect that the courts had decided that this manner of commitment was illegal in all cases where the term of enlistment of the soldier had expired. In other words, that, as soon as the term of enlistment of such an inmate expired, his status was the same as that of a person who was not under control of the Secretary of War, or the Secretary of the Navy, and that his commitment should be by "due process of law," or inquisition by court and jury.

The following appears in the report of the Secretary of the Interior for the fiscal year ending June 30, 1905:

"During the year a number of writs of habeas corpus were sued out in the local courts for the release of persons confined in the hospital, and, under instructions from the Attorney-General the United States attorney for the District of Columbia defended these suits on behalf of the hospital. As a general result of these proceedings it has been held that persons in the service of the United States Army or Navy may lawfully be committed to the Government Hospital for the Insane under the statutes providing for their care and treatment in said institution upon the order of the Secretary of War or of the Navy, respectively. Upon the expiration of the term of enlistment of any such patient, however, whether from the army or navy, they are held to resume their status as private citizens and to be beyond the control of the Secretary of War or of the Navy, as the case may be; hence the hospital can not legally detain them after such time unless they shall be duly committed thereto by "due process of law," which in the present case means an inquisition before a jury into a patient's mental condition.

"It has also been held that the transfer of an inmate of the National Home for Disabled Volunteer Soldiers to the Government Hospital for the Insane upon the order of the board of managers of said home did not constitute due process of law and was therefore illegal. An appeal has been taken by the district attorney from the foregoing decisions, and the cases are still pending."

As to the alleged injustice or impropriety of such commitments, the committee begs to call attention to the fact that the superintendent of the hospital is directed to receive these patients "until cured." In other words, it is mandatory upon the superintendent to return these patients when cured to their respective soldiers' homes. The testimony also shows that this has been done in many cases, and the committee is of the opinion that there is no desire on the part of the superintendent to retain these patients in the hospital after they are cured. Indeed, the testimony shows that, in certain cases where criminals alleged to be insane have been sent to the hospital from federal and military prisons and were found by the physicians to be feigning insanity in order to escape the hardships of such prisons, they were sent back by the superintendent.

As an illustration, Dr. L. H. Taylor, formerly a medical interne at the Government Hospital for the Insane, testified:

"I can refer you to a case that happened. There was a prisoner over there named Bromley, I think, who had committed some offense in the Philippines or one of the tropical possessions. He had murdered somebody, and he was sent to Fort Leavenworth as a life-sentence man, if I am not mistaken. * * * We all knew he was a malingerer there, and finally we sent him back to Leavenworth. He was very glad to go back, because he thought he was going to get a pardon. He had not been there more than three or four days, however, before he was the most violent insane man ever known. When I left St. Elizabeth's there had been a lot of correspondence between the superintendent and the proper military officials in regard to him. I know that I saw correspondence from the superintendent calling the attention of the proper authorities to the fact that he considered the man was a malingerer, and that it would be advisable to have some alienist examine him. The last I heard of it the man was still at Fort Leavenworth. * * * I was instrumental in calling the attention of the superintendent to it and in bringing about the correspondence in regard to the matter."

There is no sound reason in the contention of some of the witnesses that the patients thus received from the homes, or anywhere else, are improperly detained at the hospital.

To revert to the question as to the manner of commitment of indigent patients from the District of Columbia, it might be well, perhaps, to dilate upon the methods now in practice, and the law relating thereto, from the beginning of the hospital up to the present time.

Prior to February 16, 1885, commitments were usually made by the Secretary of the Interior upon the statements of two physicians and a relative or friend of the alleged lunatic, presumably in accordance with the statutes at that time in force, until one Bryant, a patient at the hospital, sued out a writ of habeas corpus, demanding his release upon the ground that he was committed without due process of law.

On the date last above mentioned the supreme court of the District of Columbia decided in that case that Bryant was committed without due process of law, and it therefore ordered his discharge from the hospital, declaring, among other things, that the whole question of commitment was regulated by the Maryland statute of 1785, chapter 27, section 6, providing that the insanity of a person should in all cases be established by an inquiry through a jury; that the sections of the Revised Statutes as they then existed did not contemplate compulsory seclusion in the hospital without due process of law, and that if they meant anything else they would be unconstitutional.

Thereafter all proceedings in lunacy were had before a marshal's jury, in accordance with the Bryant decision and the law of Maryland, until January 31, 1899, when Congress passed an act (now section 8425 of the Revised Statutes as amended) doing away with the necessity of the marshal's jury and directing the proceedings to be brought before one of the justices of the supreme court of the District.

This law of 1899, it would seem, remained in effect until June 30, 1903, when Congress made a provision in the deficiency appropriation act, that "proceedings * * * to commit indigent insane persons * * * shall be in the equity court of the said District, and shall be in conformity with the law in force * * * on the 30th day of January, 1899."

In other words, Congress directed that such commitments should be made only after an inquiry by a marshal's jury.

In 1901 a provision was inserted in the Code of Laws for the District of Columbia, sections 115a, etc., that such cases should be heard before a justice of the equity court, "who shall, when necessary, use a jury from either the circuit or crimnal court, or may cause a special jury to be summoned for such inquisitions."

Chapter LX of the said code, however, containing the repeal provisions, in paragraph 8 thereof specifically excepts from the acts repealed thereby "all acts or parts of acts relating to * * * the commitment of the insane in the District of Columbia," etc., which, of course, meant the retention of the method of hearings before a marshal's jury. Further than that, section 8435 of the Revised Statutes specifically provides for such marshal's jury in these cases, so that it would seem that the code makes one provision for a trial before the court which had power to call a special jury and another for a trial by marshal's jury.

Congress again passed another act on April 27, 1904 (secs. 8436, 8437, 8438, 8439), authorizing any member of the Metropolitan police of the District to apprehend and detain without warrant any insane person found on any street, avenue, etc., and directing such officer to make affidavit as to the sanity of the person so apprehended, and that notification should be given to the relatives of the insane person, provided his address could be found.

This act also authorizes the major and superintendent of the Metropolitan police to order the apprehension and detention without warrant of any indigent person alleged to be insane found elsewhere in the District than on the street, avenue, etc., as aforesaid, "whenever two or more responsible residents of the District of Columbia shall make and file an affidavit with said major and superintendent * * * setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person * * *: *Provided, however*, That before the major * * * shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents, or in case of arrest, as provided in the section last preceding [on the streets, etc.], he shall, in addition thereto, require the certificate of at least two physicians, who shall certify that they have examined the person alleged to be insane," etc.

It further states that the Commissioners of the District of Columbia are authorized to place in the hospital, and the superintendent is authorized to receive upon the written request of the said commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of, or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies so apprehended and detained, as hereinbefore provided, pending the formal commitment of such persons to said hospital, as provided by law, and that any such alleged insane person may be detained in any police station or house of detention in said District pending the completion of arrangements for his temporary detention in the hospital. It also provides that if, pending the formal commitment of such alleged insane person, the superintendent of such hospital, in the case of the commitment of a person to said hospital, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of the act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station or house of detention as aforesaid, shall certify in writing to the Commissioners of the District that such person is not insane or that he has recovered his reason, the official in charge of the hospital, or the major and superintendent of police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or persons of unsound mind forthwith and immediately report such action to the Commissioners of the District. The act then provides for the character of the affidavits of physicians and the penalty for making false affidavits, etc.

The law of April 27, 1904, aforesaid, repeals all acts and parts of acts inconsistent with the provisions thereof.

Again, and on February 23, 1905, Congress passed another act, which provides that thereafter the proceedings to determine the mental condition of alleged indigent insane persons shall be according to the provisions of the Code of Law for the District of Columbia relating to lunacy proceedings, provided that the jury to be used shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, "who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided further*, That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court * * * or the said court may direct a special jury to be summoned for such inquisitions."

The act also provides for the appointment of a committee in case the person is declared insane and has property, and that, in case the person adjudged insane shall thereafter be discharged as cured, the superintendent of the hospital shall immediately thereafter file with the clerk of the supreme court of the District his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and that such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

It is apparent from a careful reading of the Revised Statutes and the law relative to the procedure in cases of commitment that such commitment is permitted in various ways, except that it is absolutely necessary for all commitments of civilians to be made by due process of law or inquiry by a jury.

The practice in proceedings for commitment of indigent patients to the hospital, as now followed by the Commissioners of the District, is as follows:

Application by relatives or friends.—Affidavit is made by two resi-

dents of the District, usually relatives of the alleged insane person, alleging the insanity of the person; that they believe him to be of unsound mind, incapable of managing his affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane; the length of time he has been in such condition; that he is not fit to be at large; that if he be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable; that they believe that he is not the possessor of any lands and tenements, and that he is indigent and unable to pay for his care and treatment at said hospital.

This affidavit is made upon a blank furnished by and filed with the sanitary officer in the Metropolitan police department, and a copy of the form thereof is annexed hereto and marked "A."

Another affidavit is furnished by and filed with said officer, made by two physicians, stating that they, being qualified to make the affidavit as provided by law, certify that they have made an examination of the mental condition of the person said to be of unsound mind, and that in their judgment the said person is of unsound mind and should not be allowed to remain at liberty unrestrained, and that said person is a fit subject for treatment on account of his mental condition. A copy of the form of such affidavit is annexed hereto and marked "B."

A certificate furnished by said officer is then made out by the said physicians, stating that they, after a personal examination of the said person, find him to be insane, which certificate gives the history of the case as far as the physicians have been able to obtain the same. Such certificate is filed with said officer, who thereafter files the same with the superintendent of the Government Hospital for the Insane at the time of the admission of the said insane person to the hospital. The person so found to be of unsound mind is brought to the hospital either by his relatives or friends or by the superintendent of the Metropolitan police or one of the officers thereof. A copy of the form of said certificate is annexed hereto and marked "C."

The papers above mentioned, to wit, A, B, and C, are then handed to the Commissioners of the District, and the said commissioners then prepare a form of temporary commitment addressed to the superintendent of the hospital, requesting the said superintendent to admit the person declared to be of unsound mind, pending a formal investigation of his mental condition according to law. A copy of such form of temporary commitment is hereto annexed and marked "D."

Within thirty days after such temporary commitment the person so committed is brought before the supreme court of the District and a jury, upon the petition of the commissioners accompanied by the papers aforesaid (the said commissioners being represented by the corporation counsel), and the question as to the sanity or insanity of the said person decided.

If the said person be declared insane by said court and jury the Commissioners of the District, being informed thereof, fill out another form (the permanent commitment), stating that the records of the supreme court show that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared the said person to be of unsound mind and a fit subject for detention and treatment, and that a verdict of said jury has been duly confirmed by said court, and requesting and directing the superintendent of the Government Hospital for the Insane to admit the said person to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided. A copy of such form of commitment is annexed hereto and marked "E."

In cases of commitment of persons who are not indigent the same method is pursued and the same forms used, except that such forms state that the said person is a "pay patient."

There is also another form of permit used, a copy whereof is hereto annexed and marked "F," which is signed by the Commissioners of the District, who request the superintendent to receive a patient formerly discharged from the hospital as "improved," but who has again manifested mental unsoundness with dangerous tendencies. This permit states the fact of the former commitment of the patient and his discharge from the institution as improved, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, etc. In these cases the blanks A, B, and C are again used, but the patient is not brought into court, in view of the fact that he was not discharged as "cured" and was still on the court dockets as an insane person.

Arrest of insane persons.—This report has already set forth the act of 1904, granting authority to the major and superintendent or any member of the Metropolitan police of the District to apprehend and detain, without warrant, any insane person or persons of unsound mind "found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia."

The officer making the arrest is required to make an affidavit, the form of which is also provided by and filed with the sanitary officer aforesaid, a copy whereof is hereto annexed and marked "G." Such form of affidavit states that, from what the officer knows and has seen of such person, he believes him to be of unsound mind, incapable of taking care of himself or his property, and that if permitted to remain at large or go unrestrained in the District the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

In addition to this affidavit the affidavit and certificate of two physicians must be made and filed, and the forms B and C aforesaid are used for that purpose, and the same method of temporary commitment and subsequent proceedings for permanent commitment or discharge of the alleged insane person is followed as in the case where application is made by a friend or relative.

The Commissioners of the District, after the temporary commitment, employ a physician to visit the patient and examine his mental condition, and this physician gives testimony in court at the time of the trial.

Dr. Presley C. Hunt, a witness called before the committee, for some time has been making such examinations, and the committee quotes from his testimony, at page 623 of the record, as follows:

"Before the case comes to trial, which under the law has to be within thirty days, I examine that case, generally a day or two days after the trial comes on. I am allowed to look over the first examination paper made by the different surgeons, and then I examine the man myself to find out his mental condition, and I testify in court to such condition after the police surgeons have testified. If, in my opinion, the case has sufficiently recovered to be discharged, the jury, as a rule, takes my opinion and discharges the patient. Last week, for instance, there were two cases that were certified * * * that were discharged by order of the court on my testimony."

The Commissioners of the District, therefore, are the only authority for committing civilians to the hospital, and the committee is unable to see just what might happen if the said commissioners refused to commit a person, especially after a trial before the court and jury as aforesaid.

There is not before the committee evidence of any injustice having been done to anybody by reason of this method of commitment, but it believes that the methods thus stated, even if they be considered the only proper construction of the statutes, are unduly cumbersome, and that the procedure in these lunacy cases might be improved with beneficial results to all concerned.

The whole law as to the question of commitment of patients and the method of procedure in connection therewith should be changed, and a statute should be enacted in lieu thereof which would be clear and explicit, defining the lunacy proceedings in as simple a manner as possible.

It might properly be argued that the power given to the Commissioners of the District to commit patients after the findings of the jury and the order of the court thereon is superfluous, and there might also be a fair objection to the method of having a jury trial to inquire into the sanity or insanity of the person temporarily committed in every case.

For instance, in the case of a jury trial, where the jury finds that the person before it is insane the order of the judge presiding at such trial, upon such finding, might be sufficient for all purposes, and the patient committed upon such judge's order, thereby doing away with the necessity for a commitment by the commissioners.

And as to the objection to the jury trial in every case before commitment, it could be said that in some cases great hardship would ensue, both to the patient and his relatives. There is no doubt that in many cases the patient is undoubtedly and perhaps dangerously insane and the publicity attending these trials humiliating to a degree.

And again it might be said with propriety that the whole question of insanity is purely and absolutely a medical one, and that it would be eminently proper to have the question decided by medical men rather than by a jury of laymen.

In many of the States of the Union the method of commitment is more simple than in the District of Columbia, and there is no necessity or provision for jury trials in every case nor for the cumbersome methods here practiced.

In the event of the enactment of a new lunacy law for the District of Columbia which would eliminate the necessity of a jury trial, as before mentioned, a provision could be made therein giving the patient, or his relatives or friends, the right to demand a jury trial before commitment, after notice given to him that application is to be made for his commitment. Provided the patient has no friend or relative the power to request a jury trial might be given to some official of the District; for example, the Board of Charities.

It is the opinion of the committee that there is urgent necessity for a change in the lunacy law, and it therefore recommends that a new statute be enacted in place of what it considers the vague and conflicting law on that subject at the present time.

The committee submits herewith the following conclusions and recommendations:

CONCLUSIONS.

1. That Dr. William A. White is fully qualified to perform the duties of the position of superintendent.
2. That the charges of mismanagement of the hospital and of abuse of patients have not been sustained by the evidence.
3. That the physicians on the medical staff and consulting staff of the hospital are capable men and able to properly care for the needs of the patients.
4. That the methods of restraint now used at the hospital are proper, and that restraint is only resorted to in cases of actual necessity.
5. That the attendants perform their work well and care for the patients in a proper manner; that there have been cases of harsh treatment on the part of some attendants, which, however, have invariably resulted in the summary dismissal of the guilty parties.
6. That the dietary used at the hospital is of good quality, of proper variety, and the food is generally well prepared and cooked.
7. That the hospital is a modern institution and is abreast of the times, and is making proper progress in the scientific work with which it has to do; that the buildings and equipment are equal and in many cases superior to those at other institutions.
8. That the patients are employed in and about the hospital as far as practicable, and that such employment of patients adds materially to their welfare.
9. That the so-called "bull pen" is a misnomer, and the group of buildings and inclosure so termed is properly arranged for the comfort of the patients.
10. That the management of the hospital should be under one head.
11. That the superintendent has made a careful classification of the patients as far as practicable.
12. That the law now existing relative to the collection and disbursement of pension money of patients, together with the regulations of the Secretary of the Interior in connection therewith, are just and equitable.
13. That the per capita cost of the hospital as now fixed should not be reduced, in view of the peculiar conditions surrounding the hospital, which do not exist at other similar institutions.
14. That there is no necessity for the creation of a lunacy commission in the District of Columbia.
15. That the law relative to the commitment of patients should be repealed and a new law enacted.

RECOMMENDATIONS.

In view of the fact that the superintendent of the Government Hospital for the Insane is authorized by statute to make such improvements as he may deem necessary out of the money appropriated for the support fund of the hospital and the pension money now in his hands not to the credit of the patients, and it appearing that he has been and is now engaged in making various improvements which have and will inure to the benefit of the patients, the committee can not see any reason for making recommendations except as follows:

1. That the statute should be amended so that the superintendent should be relieved of performing the duties of a disbursing officer of the hospital and should be given authority to appoint a disbursing officer to act under his direction.
2. That the statutes should be amended so as to make provision for the creation of a separate institution in the District of Columbia to care for the criminal insane patients now confined in the hospital.
3. That steam heaters to be used for the purpose of keeping the food hot after it leaves the kitchens should be installed in each dining room in the hospital.

(4) That at least one and perhaps two new kitchens should be installed wherever it or they would be most convenient for the preparation of food served to patients and attendants.

(5) That the statutes relative to the commitment of patients should be repealed and a new lunacy law enacted.

(6) That the farm could be utilized to a greater advantage to the institution if additional dormitory facilities could be provided there.

Respectfully submitted.

J. VAN VECHTEN OLCOTT.
M. L. SMYSER.
A. J. BARCHFELD.

FEBRUARY 15, 1907.

A.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT. SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., ——— ———, *190*—.

We, the undersigned residents of the District of Columbia, do certify, under oath, that we have known ——— ——— for ——— years and ——— years, respectively, and we believe —— has been a resident of the District of Columbia for the past ——— years, and from what we know and have seen of —— we believe —— to be a person of unsound mind, incapable of managing —— own affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane in said District; that ——— has been in such condition to the best of our knowledge and belief since the —— day of ———, 190—; that in ——— present condition —— is not fit to be at large, and if ——— be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable, and we believe, from information received, that ——— is not the possessor of any lands and tenements; and we further believe —— to be indigent and unable to pay for ——— care and treatment at said Government Hospital for the Insane.

——— ———,
Residence, ——— ———.
——— ———,
Residence, ——— ———.

Subscribed and sworn to before me this —— day of ———, 190—.

——— ———,
Notary Public, District of Columbia.

B.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Certificate of lunacy.

WASHINGTON, D. C., ——— ———, *190*—.

We, the undersigned physicians, having the qualification to make this certificate prescribed by section 5 of the act of Congress approved April 27, 1904, entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes," hereby certify that we have made an examination of the mental condition of the above-named ——— ———, and in our judgment said ——— ——— is of unsound mind, and should not be allowed to remain at liberty and go unrestrained, and that said person is a fit subject for treatment on account of ——— mental condition.

——— ———, M. D.
Residence, ——— ———.
——— ———, M. D.
Residence, ——— ———.

QUALIFICATIONS FOR PHYSICIANS.

SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. * * * Any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both.

C.

DEPARTMENT OF THE INTERIOR,
GOVERNMENT HOSPITAL FOR THE INSANE.

Medical certificate.

We certify that after a personal examination of the within-named person we find ——— to be insane. The following is a history of the case as far as we have been able to obtain it:

Name, ——— ———; age, ——; sex, ———, Married, single, widowed, Nativity, ———; education, ———; occupation, ———; religion, ———; post-office address of friends, ———; telegraph address, ———.

What relatives, including grandparents and cousins, have suffered from either of the following diseases: Insanity, epilepsy, chorea, hysteria, neurasthenia, tuberculosis? ———.

Were parents addicted to excessive use of alcohol, opium, chloral, or other narcotics? ———.

Habits of patient as to same, ———.

Previous peculiarity of patient as to temper, conduct, etc., ———.

Has patient had epilepsy, apoplexy, syphilis, tuberculosis, heat exhaustion, or other serious physical disease? ———.

Evidence of sexual excess or abnormal sexual habits? ———.

History of previous attacks, if any. ———.

When and how did the first symptoms of the disease become manifest? ———.

Was there, previous to that date, any change in disposition, or evidence of physical or mental depression or disorder? ———.

Describe as fully as possible the present symptoms of insanity: ———.

What are the probable causes of the present attack, either predisposing or exciting? ———.

Do suicidal or homicidal tendencies exist; if so, how manifested? ———.

In what institutions, if any, and when, has patient received treatment? ———.

What special medical treatment has patient received during this attack? ———.

QUESTIONS FOR FEMALES.

Number of children, ——; age of youngest, ——; number of miscarriages, ——; date of last one, ——.

Has patient had any uterine or ovarian disease? ———.

What menstrual irregularities, if any? ———.

We hereby certify that the foregoing history is as complete as the opportunities at our command will permit.

——— ——— M. D.,
P. O. address ——— ———,
——— ——— M. D.,
P. O. address ——— ———,
Examining Physicians or Surgeons.

Date, ——— ———, 190—.
Remarks, ———.

D.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, ——— ———, *190*—.

SIR: The Commissioners of the District of Columbia request the admission of ——— ——— to the Government Hospital for the Insane under the provisions of the act of Congress approved April 27, 1904 (33 Stat. L., 316), pending a formal investigation of ——— mental condition according to law. The said ——— ——— has been examined under the provisions of said act, and declared to be insane and a fit subject for treatment by Doctors ——— ———.

In consideration of ——— admission to and remaining in said institution the commissioners agree to comply with the regulations of the hospital in regard to the payment of board and in all other respects.

By order of said commissioners,

——— ———,
Sanitary Officer, M. P.
——— ———,
Secretary.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE, DISTRICT OF COLUMBIA.

E.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, ———, ——, *190*—.

SIR: It appearing from the records of the supreme court of the District of Columbia, holding an equity court (lunacy cause No. ——), that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared ——— ——— to be of unsound mind and a fit subject for detention and treatment, and it further appearing that the verdict of said jury has been duly confirmed by said court, you are hereby requested and directed to admit the said ——— ——— to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided.

Witness our hands and the seal of the District of Columbia this —— day of ———, A. D. 190—.

——— ———,
——— ———,
——— ———,
Commissioners of the District of Columbia.

TO THE SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

F.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, ——— ——, *190*—.

SIR: It being represented to the Commissioners of the District of Columbia, through the Metropolitan police department of said District, that ——— ———, who was committed to the Government Hospital for the Insane of this District on the —— day of ———, A. D. 190—, after being adjudged to be of unsound mind by due process of law, and who was on the —— day of ———, A. D. 190—, discharged from said institution as "improved," has again manifested mental unsoundness with dangerous tendencies, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, you are requested to retake said person into your custody for further care and treatment at said institution.

Very respectfully,

——— ———,
——— ———,
——— ———,
Commissioners of the District of Columbia.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

G.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., ——— ———, *190*—.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have appre-

hended and detained ——— ———, and from what I know and have seen of ——— I believe ——— to be insane or of unsound mind, incapable of taking care of ——— self or ——— property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

——— ———,

——— ———.

Subscribed and sworn to before me this —— day of ———, 190—.

——— ———,

Notary Public, District of Columbia.

VIEWS OF THE MINORITY.

The undersigned members of the special committee appointed to make a full and complete investigation of the management of the Government Hospital for the Insane beg leave to submit the following report.

The investigation made by the committee took a very wide scope; and in making this report it is desired to call to the attention of the House the prominent facts which have been proven upon the following points of investigation:

1. Treatment of the inmates.
2. Food supplied to the inmates.
3. Number and character of attendants.
4. Manner of commitment of soldiers and sailors to the hospital.
5. Disposition of the pensions of the soldiers and sailors committed to the hospital.
6. Conduct of the superintendent and the officials under him; his powers.
7. Board of visitors.
8. The importance of a lunacy commission, or of some other method of inspection.

1. The treatment of the inmates of the hospital by the medical staff is, on the whole, humane; the medical treatment is abreast with the times; the most approved and advanced methods are resorted to, and the medical staff in that regard are highly recommended by the profession generally. Some mechanical restraint is used, and it is a question whether some of this could not be done away with if there were in the hospital a sufficient number of attendants. It seems to be the consensus of opinion among alienists that restraint should be reduced to the minimum.

It also appears that the medical staff of the hospital frown on and sternly forbid cruelty to patients by attendants; numerous cases of dismissals of attendants for this reason appear in evidence. But that attendants have treated patients cruelly, both by blows and neglect, is proved beyond doubt, no less than 40 witnesses having testified to specific instances of cruelty, and of these 40 witnesses, 26 of them were attendants and ex-attendants. That there have been numerous other cases of cruelty is most probable, and it must be remembered that these cases have occurred since the 1st day of October, 1903. A management under which such instances could happen, and under which they continue to happen, must be faulty. The fault is partly due to the fact, it seems to the undersigned, that there are not a sufficient number of attendants, 1 attendant being often left on the wards without help and without supervision. It is also true that there is a certain amount of callousness displayed both by physicians and attendants, as well as a want of sympathy with these unfortunate people. (See the evidence in the Gartrell case, to be found on pp. 1537–1573 of the printed record.)

2. As to the food which is supplied to the inmates of the hospital there is a conflict of evidence; but it seems to the undersigned that the great preponderance of the testimony is that the food is generally badly prepared, badly served, and oftentimes is not of such a kind as to be fit for consumption, especially when the character of these people is taken into consideration. It appears that the food served from the general kitchen is cold and unpalatable, that it is sometimes insufficient, and sometimes not fit to eat. Forty-one witnesses testify to one or the other of these conditions, and these witnesses are for the most part employees of the hospital. It appears from the evidence that the meat is frequently bad, and this is not surprising when it is shown that the meat is inspected by persons who are entirely inexperienced. There is no excuse for any or all of these conditions. The Government of the United States makes a very generous appropriation for the care of these unfortunates, and if properly managed and judiciously expended these appropriations are ample to provide good, palatable food, well cooked and properly served.

3. The evidence taken in this investigation shows very conclusively, we think, that there are not enough attendants employed to take proper care of the patients. There are 2,550 patients at this hospital. A large number of these patients are old and bedridden; they are helpless and need constant care and attention. While the officials of the hospital testify that there are 300 attendants whose duty it is to take care of the patients, yet the pay roll submitted by them, and found on page 418 of the printed record, shows that there are only 274 attendants and nurses. It may be true that other hospitals have not as many, but this institution has no excuse for economizing in this direction. Cruelty to patients, neglect of patients, the restraint used, and indeed every fault in the management has its origin in the fact that there are not enough attendants.

Forty-one witnesses testify to this need of attendants, physicians as well as attendants. When we reflect that this Government is amply able as well as anxious to take care of its soldiers and sailors, especially those so unfortunately placed, we can not admit the plea of poverty.

4. It has seemed to us that the manner of commitment of soldiers and sailors to the hospital is not in accord with those principles of law and justice which should be applied in cases involving the liberty and property of the citizens of this country. The law seems to provide that in the case of an enlisted soldier or sailor or of a retired soldier or sailor he can be committed to the hospital upon an order of the Secretary of War or of the Navy, as the case may be. It seems to us clear that these people should be entitled to a jury trial before they are deprived of their liberty.

But the case of the soldiers sent to the hospital from the different soldiers' homes is even worse. They are committed to the hospital upon the order of the president of the board of managers of the National Home for Disabled Volunteer Soldiers. No process of any kind is invoked. And from the evidence it appears that the president of the board acts upon the ipse dixit of the surgeons of the different homes. Surely a jury trial ought to be had in these cases, especially when it appears that men have been committed to the hospital who were not insane.

5. From the evidence it appears that besides the annual appropriation made for the support of the hospital a large amount of money is derived from the pensions of the soldiers and sailors committed there, and it does not appear that this money is spent for the benefit of the pensioners, but for the inmates of the hospital generally and for improvements to the grounds and buildings. (See pp. 1365, 1366 of the printed record; see also the evidence of Doctor White, pp. 1416, 1417 of the printed record.) We are at a loss to understand why, when the Government amply provides for the maintenance and care of the soldiers and sailors, the pensions of these men should be diverted from their use to the general use of the hospital. A law should be enacted providing that these pensioners should get the benefit of their pensions. It appears that there is now in the Treasury $130,000 to the credit of pensioners who are inmates of this hospital, and the superintendent contends that five-sixths of this amount can be spent for the general purposes of the hospital. Congress appropriates for the maintenance and support of these pensioners the sum of $220 per man per year. Some of the pensioners draw $96 per year and some of them more than this; so, instead of $220 per year, the hospital is really spending $300 per year, and in some cases a larger sum, per man, and at the same time these pensioners are not getting the benefit of their pensions. From what we can learn, it is difficult to say how much is spent each year for the maintenance and support of this hospital.

6. It is desired to call attention to the very large powers exercised by the superintendent, who practically appoints every employee of the institution and fixes the salaries of these employees. We think that the superintendent should employ those who have to serve under him, but we believe that Congress should fix the salaries of these employees. So far as it is known to us, this is the only institution under the control of the Government where Congress does not fix the salaries and determine the number of those who shall be employed. It would be superfluous to point out the evils which inevitably result from placing in the hands of one man the power, not only to fix salaries, but to raise and lower them at his will and pleasure. The manner in which appropriations are made for this hospital seems to us faulty. There ought to be a separate bill prepared by the Committee on Appropriations in which the items for the hospital should be set out in detail. The method of lump appropriations has long since been recognized as vicious legislation, and no valid reason can be given for its continuance in this instance.

It also seems to us that the superintendent should be appointed by the President. His office is a most important one, and great care should be used in filling it. We might call attention to the Maenche case for the purpose of showing to what extent the power of the superintendent extends and how it may be abused. Maenche is the superintendent of the laundry, where a large number of people are employed. He was reported on two occasions for an offense against the regulations. No investigation was ever made of these charges, and no excuse was given for the failure to investigate them, although it appears from the evidence taken by the committee that the charge was well founded and that the superintendent of the hospital could easily have ascertained the facts in the case.

7. The functions of the board of visitors are set forth in the statute, and doubtless when this institution was founded the board could adequately perform the duties assigned to them, but with the growth of the hospital it has been more and more impossible for the board of visitors to exercise that amount of supervision which it seems to us is necessary for the well-being and proper government of the hospital. The legal adviser of the board expressed the opinion (and that opinion has been acted upon) that the law contemplated only one visitation a month. The hospital has grown to such an extent that it has become impossible for the board to inspect it, and, as a matter of fact, there are many wards into which the board of visitors do not go once in a year.

8. In this age inspection has become one of the most important agencies in the government of all institutions. There is, so far as we know, not a State whose hospitals are not subjected to inspection by competent boards appointed for the purpose. And this inspection is not performed by those directly connected with the hospital, but by disinterested and impartial men, whose duty it is to report upon every phase of the management and without fear or favor fearlessly expose any abuse which may exist.

The Government Hospital for the Insane is subject to no inspection except by its superintendent and its board of visitors. Manifestly it should be inspected by some such agency as would correspond to the lunacy commissions of the States. Every witness who testified on this subject, with very few exceptions, was of the opinion that some such system should be inaugurated. It is true that Doctor White, the superintendent, opposed such a method of inspection (see printed record, pp. 913–914), but, on the contrary, the following eminent men were in favor of it: Doctor Clark, of the hospital; Judge Maury, of the board of visitors; Doctors Zeller, Eyman, Robins, Vaughn, Hutchinson, Wolfe, and Drury, Surgeon-General Wyman, and Mr. McGaar, of the lunacy commission of New York. The importance of such inspection is demonstrated by the investigation made by your committee, and common sense and experience in other institutions of this character dictate the necessity for it.

The undersigned would therefore recommend that a commission of lunacy be created for the District of Columbia, to be composed of three members, whose terms of office and compensation shall be fixed by Congress, one member to be a surgeon in the army, to be designated by the Secretary of War; one to be a surgeon in the navy, to be designated by the Secretary of the Navy; and one to be a citizen of the District of Columbia, to be designated by the Commissioners of the District. The powers of the commission should be fixed by law.

The undersigned would also call attention to the loose management of the finances of the institution. The superintendent seems to think that he can take care of, in detail, all the affairs of the hospital, and from this has arisen a good many abuses, notably the farm management.

Respectfully submitted

JAMES HAY.
ROBT. M. WALLACE.

Mr. OLCOTT. I also desire to insert in the RECORD a statement taken from the testimony of the investigation, showing the

number of patients, physicians, and ratio of attendants to patients at various hospitals for the insane throughout the country.

Name of hospital.	Patients.	Physicians.	Ratio of attendants to patients.
Central Islip State Hospital, New York	3,900	17	1 to 10
Central State Hospital for Colored Insane, Petersburg, Va	1,200	[a] 5	1 to 15
Columbus State Hospital, Columbus, Ohio	1,600	[b] 7	1 to 13
Illinois Asylum for Incurable Insane, Peoria, Ill	1,650	5	1 to 9
Kings Park State Hospital, New York	2,700	14	([c])
Manhattan State Hospital, New York	4,300	30	1 to 9
Massillon State Hospital, Massillon, Ohio	1,500	6	1 to 15
Morris Plains State Hospital, Morris Plains, N. J	([d])	8	1 to 9
Norristown State Hospital, Norristown, Pa	2,500	10	1 to 9

[a] And 2 internes. [c] Not given.
[b] And 1 interne. [d] Number not given.

As compared with this statement, the Government Hospital for the Insane had about 2,500 patients, and the ratio of attendants to patients is 1 to 8.

There can be no doubt, from these figures, that the Government Hospital for the Insane has a greater number of attendants, in proportion to the patients, than has any other hospital mentioned in the investigation.

I also desire to insert in the RECORD for the information of the House a statement taken from the testimony showing the difference between the hours of service of attendants at the Government Hospital for the Insane and those at other hospitals.

Government Hospital for the Insane, eleven hours.

Columbus State Hospital, Columbus, Ohio (testimony does not give number of hours, but is to the effect that the hours are longer than they are at the Government Hospital for the Insane).

Manhattan State Hospital, New York, thirteen hours.

Central Islip State Hospital, thirteen hours.

All New York hospitals, thirteen hours.

Massillon State Hospital, Massillon, Ohio (testimony does not give number of hours, but is to the effect that the hours are longer than they are at the Government Hospital for the Insane).

Morris Plains State Hospital, Morris Plains, N. J., fifteen hours.

This comparison shows beyond question that the attendants at the Government Hospital for the Insane are better treated, so far as hours of service are concerned, than the attendants at other hospitals for the insane.

The conclusions of the gentleman seem to have been arrived at not after a careful and impartial reading of the testimony, not after a calm judgment after considering all the facts pro and con in the case, not from a fair standard of comparison of the character of the testimony of all of the witnesses, but from that of irresponsible persons and discharged employees of the institution, and of certain other persons who were not allowed free access to the private records of patients at the hospital for the purpose of using it in their business.

The gentleman seems to be keenly disappointed because the committee's report and the views of the minority did not sustain the charges made against the hospital and its superintendent.

The argument of the gentleman is answered by the report of the committee on the investigation and the report of the Committee on the District of Columbia, both of which I have inserted as part of my remarks. These reports give facts, references, and exhibits which can leave no doubt in the mind of any unprejudiced man as to the wisdom of passing legislation to correct the abuses which have been caused by the conflicting laws in regard to the commitment of patients to the Government Hospital for the Insane.

In regard to the bill H. R. 12898, which I introduced, to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, which bill was unanimously reported by the Committee on the District of Columbia, I beg to insert in the RECORD a copy of the bill, together with the report of the Committee on the District of Columbia, which report contains a statement of the reasons why the insanity law as it now exists should be modified.

[H. R. 12898. Sixtieth Congress, first session.]

A bill to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes.

Be it enacted, etc., That hereafter proceedings for admission to the Government Hospital for the Insane of insane persons residing in the District of Columbia, and for admission to said hospital of nonresident insane persons found in said District, shall be commenced by petition presented in open court to the justice of the supreme court of the District of Columbia holding a special term for orphans' court business, stating the facts necessary for admission to said hospital, as heretofore provided by law, such petition to be signed and sworn to by some responsible resident of the District of Columbia; but such petition shall not be filed until the court shall be satisfied as to the responsibility and residence of the person signing and swearing to the same and shall make and enter an order directing the filing of such petition.

SEC. 2. That the order of such court directing the filing of the petition shall fix a time for the hearing of such application and shall require copies thereof to be served on the alleged lunatic and on the Commissioners of the District of Columbia at least one day preceding the time fixed for such hearing, and a copy of such order, duly authenticated, shall be inscribed on each of said copies before service thereof. A copy of such order shall also be served upon the husband or wife, father or mother, or next of kin of such alleged insane person, if there be any such known to be residing within the District of Columbia, and if not, upon the person with whom such alleged insane person may reside or at whose house he or she may be, or such other person as the justice, in his discretion, may name, at least one day preceding the time fixed for such hearing.

SEC. 3. That so soon as may be after the filing of the petition the court shall appoint two physicians resident in the District of Columbia, graduates of an incorporated medical college, who shall have been in the actual practice of their profession at least three years and who shall not be in any way connected with or have any interest in the Government Hospital for the Insane or be a relative of the person alleged to be insane or of the person making the petition hereinbefore mentioned, to examine the person alleged in the petition to be insane, which physicians shall make such examination within the period of five days preceding the time set for the hearing and shall testify, under oath, as to the mental condition of the person alleged to be insane. Such physicians shall be allowed a per diem compensation, to be fixed by the court, of not exceeding $5, to be paid by the District of Columbia on the certificate of the court that the account for such service is just and correct, and other witnesses examined on such application shall be paid by the District of Columbia the fees and allowances prescribed by law for witnesses summoned in behalf of the United States, and all other costs of the proceedings shall be paid by the District of Columbia: *Provided*, That in the case of nonindigent persons all costs of the proceeding shall be defrayed out of the estate of such person, and a deposit shall be paid into the court sufficient to cover such costs. The request for admission to said hospital shall be made within five days after the entry of the order of the court. The provisions of the act of April 27, 1904, providing for temporary commitments to the Government Hospital for the Insane are hereby extended, so far as applicable, to nonindigent insane persons residing in the District of Columbia, as well as to nonresident insane persons found in said District.

SEC. 4. That the court shall require the presence of the alleged lunatic at the hearing of the application, unless for good reason it shall direct otherwise by an order stating such reason; and upon such hearing the court shall hear the testimony introduced by the parties and render a decision in writing as to the alleged lunatic's insanity. That in case the said lunatic shall have property, the court shall, in its order of commitment, direct the committee of said lunatic to pay to said hospital such amount per month as may be deemed by the court just and reasonable toward defraying the expenses of the board and maintenance of such lunatic; but if such insane person shall be indigent, or shall not have more than enough property to support his family dependent upon him for support, the expenses of his board and maintenance in the hospital shall be paid by the District of Columbia, as now provided by law.

SEC. 5. That the order of the court on the hearing of the application on the petition and the evidence shall be made without an inquisition by jury, and all the proceedings under the petition shall be entered in the minutes of the court: *Provided, however*, That the justice to whom application is made may, if no demand is made for a hearing, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane may immediately issue an order for commitment to the Government Hospital for the Insane: *And provided further*, That, upon demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion, issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the persons upon whom the petition is hereinbefore directed to be served, and upon such other person as the justice, in his discretion, may name, and upon such day, or upon such other day to which the proceeding shall be regularly adjourned, the justice shall hear the testimony introduced by the parties and examine the alleged insane person, if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the justice shall forthwith issue an order committing him to the Government Hospital for the Insane: *And provided further*, That the court may, in its discretion, call a jury to determine the question of insanity: *And provided further*, That if a person ordered to be committed pursuant to the provisions of this act, or any relative or friend in his behalf, is dissatisfied with the final order of a justice committing him, he may, within ten days after the making of such order, appeal therefrom to a justice of the supreme court other than the justice making the order, who shall cause a jury to be summoned and shall try the question of such insanity, in which event the proceedings shall be in accordance with the provisions of section 115a of the Code of Laws of the District of Columbia relating to lunacy proceedings, embodied in the act of Congress approved June 30, 1902: *And provided further*, That the jury to be used shall be impanelled by the United States marshal of said District, upon the order of the court, from jurors in attendance upon the courts of said District, who shall perform such service in addition to and as part of their duties in said courts: *And provided further*, That during such time as jurors are not in attendance upon said courts the court may direct said marshal to impanel the jurors in attendance upon the police court in said District, who shall perform such duties in addition to and as a part of their duties in said police court, or said court may direct a special jury to be summoned for such inquisition; and if the verdict of the jury be that such person is insane, the justice shall certify that fact and make an order of commitment as upon the original hearing, and such order shall be presented, at the time of the commitment of such insane person, to the superintendent of the Government Hospital for the Insane. Proceedings under the order shall not be stayed pending an appeal therefrom except upon an order of a justice of the supreme court of the District of Columbia, and made upon a notice and

after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary.

SEC. 6. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residing in the District of Columbia at the time they become insane who are now or hereafter may be detained in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, and all necessary expenses incurred by the commissioners in ascertaining the locality where such persons or their friends belong and in returning them to such locality shall be defrayed by the District of Columbia.

SEC. 7. That all provisions of law inconsistent with this act be, and the same hereby are, repealed.

[House of Representatives. Report No. 1425. Sixtieth Congress, first session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes, report the same back to the House with the recommendation that it do pass when amended as follows:

Strike out of page 1, line 9, the words "a special term for orphans' court business" and insert in lieu thereof the word "probate."

Strike out of page 1, line 12, the word "some" and insert in lieu thereof the words "at least three," and change the word "resident," in the same line, to the plural.

Strike out of page 2, line 1, the words "and shall" and insert in lieu thereof the words "when it shall."

Strike out of page 2, line 19, the words "or more."

Strike out of page 3, line 7, the word "ten" and insert in lieu thereof the word "five."

Strike out of page 3, lines 18, 19, and 20, the words "The request for admission to said hospital shall be made within five days after the entry of the order of the court."

Insert in page 5, line 17, after the word "discretion," the words "or upon demand of any relative or near friend, in behalf of such alleged insane person, shall."

Insert in page 5, line 18, after the word "insanity," the words "within five days of the date of such order."

Strike out of page 7, line 7, the word "become" and insert in lieu thereof the word "became."

The bill provides a simple but positive method of commitment of patients to the Government Hospital for the Insane.

The act mentioned in line 2 of page 3 of the bill is as follows:

[PUBLIC—No. 177.]

An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes.

Be it enacted, etc., That any member of the Metropolitan police of the District of Columbia, or any other officer in said District authorized to make arrests, is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of the public peace imperiled and the commission of crime rendered probable: *Provided, however*, That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

SEC. 2. That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Columbia than in the places mentioned in section 1 hereof whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: *Provided, however*, That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents or in case of arrest as provided in section 1, he shall, in addition thereto, require the certificate of at least two physicians, who shall certify that they have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to place in the Government Hospital for the Insane in said District, and the superintendent of said hospital is hereby authorized to receive, upon the written request of the said commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies, residents of or found within the said District, so apprehended and detained as provided in sections 1 and 2 of this act, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty.

SEC. 4. That the Commissioners of the District of Columbia may authorize the temporary commitment of any of the above-mentioned insane persons or persons of unsound mind so apprehended and detained as provided in sections 1 and 2 of this act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons, pending the temporary commitment or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections 1 and 2 of this act may be detained in any police station or house of detention in said District pending the completion of arrangements for his or her temporary detention in the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Government Hospital for the Insane and no arrangement can be made for his or her temporary detention in any other hospital or asylum: *Provided, however*, That if, pending the formal commitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum, the superintendent of said Government Hospital for the Insane, in the case of the commitment of a person to said hospital under the provisions of this act, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of this act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of detention under the provisions of this act, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her reason, the official in charge of the Government Hospital for the Insane or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia.

SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. That any person who makes an affidavit, as required by section 1 or 2 of this act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both.

SEC. 7. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, April 27, 1904.

The following is an extract from the act mentioned in line 4 of page 6 of the bill:

[Public—No. 206.]

An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

Be it enacted, etc., That the following amendments are hereby made to an act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901.

* * * * * * *

SEC. 115a. *Lunacy proceedings.*—All writs de lunatico inquirendo shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions.

* * * * * * *

One of the most salient changes provided in this bill, in the method of committing persons to the hospital, is the doing away of jury trials, except when demanded by the patient or some one representing him. The following is an extract from the Report of the Superintendent of the Government Hospital for the Insane to the Secretary of the Interior for 1905:

Lunacy legislation.—Up to a few months ago the method of procedure in the commitment of insane persons from the District was to try them before a marshal's jury. In regard to this practice I would call attention to the following quotation from the last annual report of the hospital:

"More specific legislation, particularly as to the commitment of the insane from the District, is to be desired. This should be along lines already followed out in many of the States, and, on general principles, fairly well established. The most crying defect in the method now in vogue is the necessity of trying each case in open court. There is absolutely no reason or necessity for this, and it can only have the effect of humiliating both the patient and the patient's relatives. It is time that in this community, at least, insanity should be appreciated for what it is—a form of illness—and legal requirements that place a sick man on the same level as a common criminal have no place in an enlightened community."

As a partial correction of the defects of commitment by marshal's jury, Congress passed an act last winter, which was approved February 23, 1905 (see appendix, Exhibit B), which provides that the trial of lunacy cases shall be presided over by a justice of the supreme court of the District of Columbia This is a considerable improvement over the old method, as some dignity is given to the proceedings, which are conducted in an orderly and decent manner. This same act also provides

for the restoration of the civil rights of the patients who have been discharged from the hospital as recovered, directing that the court, upon certification from the superintendent that the patient has been so discharged, may proceed immediately to issue an order restoring said patients to their former legal status. A further improvement in lunacy conditions was also made by the passage of an act approved April 27, 1905 (see appendix, Exhibit C), which provides for the temporary detention in the hospital for a period not to exceed thirty days of an alleged insane person pending issuing by the proper authorities of a formal commitment. Previous to the passage of this act insane persons had to be kept in local lockups, associated with all sorts of undesirable persons, and frequently without the care which their condition called for.

This legislation, however, is only a tithe of what is really needed. To my mind the crying defect in the present method of commitment to this hospital is the fact that commitment has to be had in open court by inquisition before a jury. This, as I have said repeatedly, results oftentimes in great hardship, both to the patient and to his immediate relatives. It is humiliating to both, and can not possibly do any good and tends to place the unfortunate person afflicted with insanity in the same category as one accused of crime. If one were only to attend these hearings and see the method of commitment in operation he would be impressed constantly with the fact that both by method of procedure and terminology employed the alleged insane person is placed on a par, legally at least, with the criminal. He is cited into court, accused of insanity upon an affidavit of lunacy signed by two citizens, in which they state that if the insane person "be permitted to remain at liberty in said District, the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable."

Nothing appears to indicate that the unfortunate insane person is committed to the institution for his welfare, to be treated for disease and if possible restored to sanity and useful citizenship, the implication being that he is removed from the community because he is a dangerous element thereof. The question of insanity is solely and absolutely a medical question to be solved by medical men, and there is no more sense in submitting such a question to a jury of 12 laymen than there is in submitting any other medical question, such, for example, as the existence of typhoid fever, to such a jury.

The unfortunate part of it all is, too, that not only does this method of procedure bring shame and humiliation upon the patient and the patient's friends and relatives, but it does actual harm by ofttimes frightening and disturbing the patient to such an extent as to interfere with his recovery, and, further than that, by making patients and friends and relatives of patients loath to seek the relief of an institution which can only be extended under such circumstances. A hospital for the insane should be made easy of access to the afflicted, because here, as in other departments of medicine, it is often of the highest importance that the patient be received for treatment during the early stages of the disease, for then, if ever, the outlook for recovery is favorable. If admission to a hospital is delayed because of the necessity of appearing in open court and detailing all the particulars of the mental illness of the patient to the public, then it is that only when the patient has done some overt act of violence, perhaps, or committed some depredation upon person or property, that they are haled before a justice for commitment, perhaps too late to avail anything toward the patient's recovery, and certainly too late to undo the damage that the patient has done under the visitation of insanity.

Many of the States in the Union that have enlightened lunacy legislation have all long since done away with the inquisition by jury, and so also have many of the European countries. The District of Columbia dates its method of procedure back for over a hundred years. Surely it is time that it awoke to the fact that the world has gone on and left it behind in this matter. In New York State the lunacy legislation of which I am most familiar with, the patient, upon a petition to the court, is examined by two physicians appointed by the judge, notice meanwhile being served upon him that application is to be made for his commitment to an institution for the care, custody, and treatment of the insane. He may then, if he makes the request, or if a friend or relative on his behalf makes the request, be tried before a jury, or the presiding justice may, upon his own motion, direct that such case be tried before a jury; but in the absence of such request or direction, the justice before whom the case is brought, if he is satisfied upon the certification of the examining physicians that he is in fact insane and a proper subject for care, custody, and treatment in an institution for the insane, proceeds forthwith to commit. In other words, it would seem that the absence of a demand for a jury trial constitutes a waiver, and in my own experience, comprising hundreds of cases, I may say that as a very liberal estimate not 1 per cent of the cases go before a jury, and that this method works admirably and results in the benefits of the institution being extended to those who need them at an early period in their mental affliction, when such benefits may be supposed to result in recovery from the attack of insanity.

The special committee appointed to investigate the management of the Government Hospital for the Insane, in its report dated February 15, 1907 (No. 7644, 59th Cong., 2d sess.), said:

Fifteenth. As to the commitment of patients.—A great deal of time has been given to the question of the authority for and method of commitment of indigent patients from the District of Columbia to the hospital, and after a careful examination of the law in connection therewith the committee has no hesitancy in saying that the law as it now stands on that subject is misleading, conflicting, and ambiguous.

In addition to the Revised Statutes hereinbefore referred to, at page 1786 of the record and following, the committee found that the deficiency appropriation act of June 30, 1903, provided that "hereafter proceedings by the Commissioners of the District to commit indigent insane persons and insane persons with homicidal or dangerous tendencies shall be in the equity court of the said District and shall be in conformity with the law in force in the said District on the 30th day of January, 1899."

It also found another act, passed February 25, 1905, which was not included in the printed copy of the Revised Statutes filed as an exhibit.

Also, in the Code of Laws for the District of Columbia, amended to and including March 3, 1905, the committee found a provision, section 115a, in connection with lunacy proceedings, as follows:

"SEC. 115a. *Lunacy proceedings.*—All writs de lunatico inquirendo shall issue from said equity court, and the justice holding said court shall preside at all inquisitions of lunacy, and, when necessary, may use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

* * * * * * *

To revert to the question as to the manner of commitment of indigent patients from the District of Columbia, it might be well, perhaps, to dilate upon the methods now in practice, and the law relating thereto, from the beginning of the hospital up to the present time.

Prior to February 16, 1885, commitments were usually made by the Secretary of the Interior upon the statements of two physicians and a relative or friend of the alleged lunatic, presumably in accordance with the statutes at that time in force, until one Bryant, a patient at the hospital, sued out a writ of habeas corpus, demanding his release upon the ground that he was committed without due process of law.

On the date last above mentioned the supreme court of the District of Columbia decided in that case that Bryant was committed without due process of law, and it therefore ordered his discharge from the hospital, declaring, among other things, that the whole question of commitment was regulated by the Maryland statute of 1785, chapter 27, section 6, providing that the insanity of a person should in all cases be established by an inquiry through a jury; that the sections of the Revised Statutes as they then existed did not contemplate compulsory seclusion in the hospital without due process of law, and that if they meant anything else they would be unconstitutional.

Thereafter all proceedings in lunacy were had before a marshal's jury, in accordance with the Bryant decision and the law of Maryland, until January 31, 1899, when Congress passed an act (now section 8425 of the Revised Statutes as amended) doing away with the necessity of the marshal's jury and directing the proceedings to be brought before one of the justices of the supreme court of the District.

This law of 1899, it would seem, remained in effect until June 30, 1903, when Congress made a provision in the deficiency appropriation act, that "proceedings * * * to commit indigent insane persons * * * shall be in the equity court of the said District and shall be in conformity with the law in force * * * on the 30th day of January, 1899."

In other words, Congress directed that such commitments should be made only after an inquiry by a marshal's jury.

In 1901 a provision was inserted in the Code of Laws for the District of Columbia, sections 115a, etc., that such cases should be heard before a justice of the equity court "who shall, when necessary, use a jury from either the circuit or criminal court, or may cause a special jury to be summoned for such inquisitions."

Chapter LX of the said code, however, containing the repeal provisions, in paragraph 8 thereof specifically excepts from the acts repealed thereby "all acts or parts of acts relating to * * * the commitment of the insane in the District of Columbia," etc., which, of course, meant the retention of the method of hearings before a marshal's jury. Further than that, section 8435 of the Revised Statutes specifically provides for such marshal's jury in these cases, so that it would seem that the code makes one provision for a trial before the court which had power to call a special jury and another for a trial by marshal's jury.

Congress again passed another act on April 27, 1904 (secs. 8436, 8437, 8438, 8439), authorizing any member of the Metropolitan police of the District to apprehend and detain without warrant any insane person found on any street, avenue, etc., and directing such officer to make affidavit as to the sanity of the person so apprehended, and that notification should be given to the relatives of the insane person, provided his address could be found.

This act also authorizes the major and superintendent of the Metropolitan police to order the apprehension and detention without warrant of any indigent person alleged to be insane found elsewhere in the District than on the street, avenue, etc., as aforesaid—"whenever two or more responsible residents of the District of Columbia shall make and file an affidavit with said major and superintendent * * * setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person * * *: *Provided, however,* That before the major * * * shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents, or in case of arrest, as provided in the section last preceding [on the streets, etc.], he shall, in addition thereto, require the certificate of at least two physicians, who shall certify that they have examined the person alleged to be insane," etc.

It further states that the Commissioners of the District of Columbia are authorized to place in the hospital, and the superintendent is authorized to receive upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies so apprehended and detained as hereinbefore provided, pending the formal commitment of such persons to said hospital, as provided by law, and that any such alleged insane person may be detained in any police station or house of detention in said District pending the completion of arrangements for his temporary detention in the hospital. It also provides that if, pending the formal commitment of such alleged insane person, the superintendent of such hospital, in the case of the commitment of a person to said hospital, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of the act, or if two or more surgeons of the police and fire departments in the case of any person detained at any police station or house of detention as aforesaid, shall certify in writing to the Commissioners of the District that such person is not insane or that he has recovered his reason, the official in charge of the hospital, or the major and superintendent of police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or persons of unsound mind forthwith and immediately report such action to the Commissioners of the District. The act then provides for the character of the affidavits of physicians and the penalty for making false affidavits, etc.

The law of April 27, 1904, aforesaid, repeals all acts and parts of acts inconsistent with the provisions thereof.

Again, and on February 23, 1905, Congress passed another act which provides that thereafter the proceedings to determine the mental condition of alleged indigent insane persons shall be according to the provisions of the Code of Law for the District of Columbia relating to lunacy proceedings, provided that the jury to be used shall be impaneled by the United States marshal for said District, upon order of the court, from the jurors in attendance upon the criminal courts of said District, "who shall perform such services in addition to and as part of their duties in said criminal courts: *Provided further,* That during such time as jurors are not in attendance upon said criminal courts the court may direct the said marshal to impanel the jurors in attendance upon the police court * * * or the said court may direct a special jury to be summoned for such inquisitions."

The act also provides for the appointment of a committee in case the person is declared insane and has property, and that, in case the person adjudged insane shall thereafter be discharged as cured, the superintendent of the hospital shall immediately thereafter file with the clerk of the supreme court of the District his sworn statement that such person, in his opinion, was at the time of his discharge of sound mind, and that such statement shall be sufficient to authorize the court to pass an order declaring such person to be restored to his or her former legal status as a person of sound mind.

It is apparent from a careful reading of the Revised Statutes and the law relative to the procedure in cases of commitment that such commitment is permitted in various ways, except that it is absolutely necessary for all commitments of civilians to be made by due process of law or inquiry by a jury.

The practice in proceedings for commitment of indigent patients to the hospital, as now followed by the Commissioners of the District, is as follows:

"*Application by relatives or friends.*—Affidavit is made by two residents of the District, usually relatives of the alleged insane person, alleging the insanity of the person; that they believe him to be of unsound mind, incapable of managing his affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane; the length of time he has been in such condition; that he is not fit to be at large; that if he be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable; that they believe that he is not the possessor of any lands and tenements, and that he is indigent and unable to pay for his care and treatment at said hospital."

This affidavit is made upon a blank furnished by and filed with the sanitary officer in the Metropolitan police department; and a copy of the form thereof is annexed hereto and marked "A."

Another affidavit is furnished by and filed with said officer, made by two physicians, stating that they, being qualified to make the affidavit as provided by law, certify that they have made an examination of the mental condition of the person said to be of unsound mind and that in their judgment the said person is of unsound mind and should not be allowed to remain at liberty unrestrained, and that said person is a fit subject for treatment on account of his mental condition. A copy of the form of such affidavit is annexed hereto and marked "B."

A certificate furnished by said officer is then made out by the said physicians, stating that they, after a personal examination of the said person, find him to be insane, which certificate gives the history of the case as far as the physicians have been able to obtain the same. Such certificate is filed with said officer, who thereafter files the same with the superintendent of the Government Hospital for the Insane at the time of the admission of the said insane person to the hospital. The person so found to be of unsound mind is brought to the hospital either by his relatives or friends or by the superintendent of the Metropolitan police or one of the officers thereof. A copy of the form of said certificate is annexed hereto and marked "C."

The papers above mentioned, to wit, A, B, and C, are then handed to the Commissioners of the District, and the said commissioners then prepare a form of temporary commitment addressed to the superintendent of the hospital, requesting the said superintendent to admit the person declared to be of unsound mind, pending a formal investigation of his mental condition according to law. A copy of such form of temporary commitment is hereto annexed and marked "D."

Within thirty days after such temporary commitment the person so committed is brought before the supreme court of the District and a jury, upon the petition of the commissioners, accompanied by the papers aforesaid (the said commissioners being represented by the corporation counsel), and the question as to the sanity or insanity of the said person decided.

If the said person be declared insane by said court and jury, the Commissioners of the District, being informed thereof, fill out another form (the permanent commitment), stating that the records of the supreme court show that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared the said person to be of unsound mind and a fit subject for detention and treatment, and that a verdict of said jury has been duly confirmed by said court, and requesting and directing the superintendent of the Government Hospital for the Insane to admit the said person to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided. A copy of such form of commitment is annexed hereto and marked "E."

In cases of commitment of persons who are not indigent the same method is pursued and the same forms used, except that such forms state that the said person is a "pay patient."

There is also another form of permit used, a copy whereof is hereto annexed and marked "F," which is signed by the Commissioners of the District, who request the superintendent to receive a patient formerly discharged from the hospital as "improved," but who has again manifested mental unsoundness with dangerous tendencies. This permit states the fact of the former commitment of the patient and his discharge from the institution as improved, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, etc. In these cases the blanks A, B, and C are again used, but the patient is not brought into court, in view of the fact that he was not discharged as "cured" and was still on the court dockets as an insane person.

Arrest of insane persons.—This report has already set forth the act of 1904, granting authority to the major and superintendent or any member of the Metropolitan police of the District to apprehend and detain, without warrant, any insane person or persons of unsound mind "found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia."

The officer making the arrest is required to make an affidavit, the form of which is also provided by and filed with the sanitary officer aforesaid, a copy whereof is hereto annexed and marked "G." Such form of affidavit states that, from what the officer knows and has seen of such person, he believes him to be of unsound mind, incapable of taking care of himself or his property, and that if permitted to remain at large or go unrestrained in the District the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

In addition to this affidavit the affidavit and certificate of two physicians must be made and filed, and the forms B and C aforesaid are used for that purpose, and the same method of temporary commitment and subsequent proceedings for permanent commitment or discharge of the alleged insane person is followed as in the case where application is made by a friend or relative.

The Commissioners of the District, after the temporary commitment, employ a physician to visit the patient and examine his mental condition, and this physician gives testimony in court at the time of the trial.

Dr. Presley C. Hunt, a witness called before the committee, for some time has been making such examinations, and the committee quotes from his testimony at page 623 of the record as follows:

"Before the case comes to trial, which under the law has to be within thirty days, I examine that case, generally a day or two days after the trial comes on. I am allowed to look over the first examination paper made by the different surgeons, and then I examine the man himself to find out his mental condition, and I testify in court to such condition after the police surgeons have testified. If in my opinion the case has sufficiently recovered to be discharged, the jury, as a rule, takes my opinion and discharges the patient. Last week, for instance, there were two cases that were certified * * * that were discharged by order of the court on my testimony."

The Commissioners of the District, therefore, are the only authority for committing civilians to the hospital, and the committee is unable to see just what might happen if the said commissioners refuse to commit a person, especially after a trial before the court and jury as aforesaid.

There is not before the committee evidence of any injustice having been done to anybody by reason of this method of commitment, but it believes that the methods thus stated, even if they be considered the only proper construction of the statutes, are unduly cumbersome, and that the procedure in these lunacy cases might be improved with beneficial results to all concerned.

The whole law as to the question of commitment of patients and the method of procedure in connection therewith should be changed, and a statute should be enacted in lieu thereof which would be clear and explicit, defining the lunacy proceedings in as simple a manner as possible.

It might properly be argued that the power given to the Commissioners of the District to commit patients after the findings of the jury and the order of the court thereon is superfluous, and there might also be a fair objection to the method of having a jury trial to inquire into the sanity or insanity of the person temporarily committed in every case.

For instance, in the case of a jury trial, where the jury finds that the person before it is insane, the order of the judge presiding at such trial, upon such finding, might be sufficient for all purposes, and the patient committed upon such judge's order, thereby doing away with the necessity for a commitment by the commissioners.

And as to the objection to the jury trial in every case before commitment, it could be said that in some cases great hardship would ensue, both to the patient and his relatives. There is no doubt that in many cases the patient is undoubtedly and perhaps dangerously insane and the publicity attending these trials humiliating to a degree.

And again it might be said with propriety that the whole question of insanity is purely and absolutely a medical one, and that it would be eminently proper to have the question decided by medical men rather than by a jury of laymen.

In many of the States of the Union the method of commitment is more simple than in the District of Columbia, and there is no necessity or provision for jury trials in every case nor for the cumbersome methods here practiced.

In the event of the enactment of a new lunacy law for the District of Columbia which would eliminate the necessity of a jury trial, as before mentioned, a provision could be made therein giving the patient, or his relatives or friends, the right to demand a jury trial before commitment, after notice given to him that application is to be made for his commitment. Provided the patient has no friend or relative, the power to request a jury trial might be given to some official of the District; for example, the Board of Charities.

It is the opinion of the committee that there is urgent necessity for a change in the lunacy law, and it therefore recommends that a new statute be enacted in place of what it considers the vague and conflicting law on that subject at the present time.

A.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., ——— ———, 190—.

We, the undersigned residents of the District of Columbia, do certify, under oath, that we have known ——— ——— for ——— years and ——— years, respectively, and we believe ——— has been a resident of the District of Columbia for the past ——— years, and from what we know and have seen of ——— we believe ——— to be a person of unsound mind, incapable of managing ——— own affairs, and a fit subject for detention and treatment at the Government Hospital for the Insane in said District; that ——— has been in such condition to the best of our knowledge and belief since the ——— day of ———, 190—; that in ——— present condition ——— is not fit to be at large, and if ——— be permitted to remain at liberty in said District the rights of persons and of property therein will be jeopardized, the preservation of the public peace imperiled, and the commission of crime rendered probable, and we believe, from information received, that ——— is not the possessor of any lands and tenants; and we further believe ——— to be indigent and unable to pay for ——— care and treatment at said Government Hospital for the Insane.

——— ———.

Residence, ——— ———.

——— ———.

Residence, ——— ———.

Subscribed and sworn to before me this ——— day of ———, 190—.

———, ———,

Notary Public, District of Columbia.

B.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Certificate of lunacy.

WASHINGTON, D. C., ——— ———, 190—.

We, the undersigned physicians, having the qualification to make this certificate prescribed by section 5 of the act of Congress approved April 27, 1904, entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and

for other purposes,"* hereby certify that we have made an examination of the mental condition of the above-named ——— ———, and in our judgment said ——— ——— is of unsound mind, and should not be allowed to remain at liberty and go unrestrained, and that said person is a fit subject for treatment on account of ——— mental condition.

——— ———, M. D.,
Residence, ———.
——— ———, M. D.,
Residence, ——— ———.

QUALIFICATIONS FOR PHYSICIANS.

*SEC. 5. That for the purposes of this act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, or Public Health and Marine-Hospital Service; or (b) by a physician who is not a permanent resident of the District of Columbia; or (c) by a physician who has not been actively engaged in the practice of his profession for at least three years; or (d) by a physician who is related by blood or by marriage to the person whose mental condition is in question. Nor shall any certificate alleging the insanity of any person be valid which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined, or who is professionally or officially connected therewith.

SEC. 6. * * * Any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both.

C.

DEPARTMENT OF THE INTERIOR,
GOVERNMENT HOSPITAL FOR THE INSANE.

Medical Certificate.

We certify that after a personal examination of the within-named person we find ——— to be insane. The following is a history of the case as far as we have been able to obtain it:

Name, ——— ———; age, ———; sex, ———. Married, single, widowed. Nativity, ———; education, ———; occupation, ———; religion, ———; post-office address of friends, ———; telegraph address, ———.

What relatives, including grandparents and cousins, have suffered from either of the following diseases: Insanity, epilepsy, chorea, hysteria, neurasthenia, tuberculosis? ———.

Were parents addicted to excessive use of alcohol, opium, chloral, or other narcotics? ———.

Habits of patient as to same, ———.

Previous peculiarity of patient as to temper, conduct, etc., ———.

Has patient had epilepsy, apoplexy, syphilis, tuberculosis, heat exhaustion, or other serious physical disease? ———.

Evidence of sexual excess or abnormal sexual habits? ———.

History of previous attacks, if any, ———.

When and how did the first symptoms of the disease become manifest? ———.

Was there, previous to that date, any changes in disposition, or evidence of physical or mental depression or disorder? ———.

Describe as fully as possible the present symptoms of insanity: ———.

What are the probable causes of the present attack, either predisposing or exciting? ———.

Do suicidal or homicidal tendencies exist; if so, how manifested? ———.

In what institutions, if any, and when, has patient received treatment? ———.

What special medical treatment has patient received during this attack? ———.

QUESTIONS FOR FEMALES.

Number of children, ——; age of youngest, ——; number of miscarriages, ——; date of last one, ——.

Has patient had any uterine or ovarian disease? ———.

What menstrual irregularities, if any? ———.

We hereby certify that the foregoing history is as complete as the opportunities at our command will permit.

——— ———, M. D.,
P. O. address, ——— ———,
——— ———, M. D.,
P. O. address, ——— ———,
Examining Physicians or Surgeons.

Date, ——— ———, 190—.
Remarks, ———.

D.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, ——— ———, *190—.*

SIR: The Commissioners of the District of Columbia request the admission of ——— ——— to the Government Hospital for the Insane under the provisions of the act of Congress approved April 27, 1904 (33 Stat. L., 316), pending a formal investigation of ——— mental condition according to law. The said ——— ——— has been examined under the provisions of said act, and declared to be insane and a fit subject for treatment by Doctors ——— ———.

In consideration of ——— admission to and remaining in said institution, the commissioners agree to comply with the regulations of the hospital in regard to the payment of board, and in all other respects.

By order of said commissioners:

——— ———,
Sanitary Officer, M. P.
——— ———,
Secretary.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE, DISTRICT OF COLUMBIA.

E.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, ——— ———, *190—.*

SIR: It appearing from the records of the supreme court of the District of Columbia, holding an equity court (lunacy cause No. ——), that a jury, lawfully impaneled and presided over by one of the justices of said court, according to law, has declared ——— ——— to be of unsound mind and a fit subject for detention and treatment, and it further appearing that the verdict of said jury has been duly confirmed by said court, you are hereby requested and directed to admit the said ——— ——— to the benefits and privileges of the Government Hospital for the Insane, in conformity with the statute in such case made and provided.

Witness our hands and the seal of the District of Columbia this —— day of ———, A. D. 190—.

——— ———,
——— ———,
——— ———,
Commissioners of the District of Columbia.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

F.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, ——— ———, *190—.*

SIR: It being represented to the Commissioners of the District of Columbia, through the Metropolitan police department of said District, that ——— ———, who was committed to the Government Hospital for the Insane of this District on the —— day of ———, A. D. 190—, after being adjudged to be of unsound mind by due process of law, and who was on the —— day of ———, A. D. 190—, discharged from said institution as "improved," has again manifested mental unsoundness with dangerous tendencies, and that if he be allowed to remain at liberty the public peace will be imperiled and the commission of crime rendered probable, you are requested to take said person into your custody for further care and treatment at said institution.

Very respectfully,

——— ———,
——— ———,
——— ———,
Commissioners of the District of Columbia.

To the SUPERINTENDENT OF THE GOVERNMENT HOSPITAL
FOR THE INSANE IN THE DISTRICT OF COLUMBIA.

G.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT—SANITARY OFFICE.

Affidavit of lunacy.

WASHINGTON, D. C., ——— ———, 190—.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have apprehended and detained ——— ———, and from what I know and have seen of ——— I believe —— to be insane or of unsound mind, incapable of taking care of —— self or —— property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

——— ———,
——— ———,
Subscribed and sworn to before me this —— day of ———, 190—.
——— ———,
Notary Public, District of Columbia.

The following is an abstract of the laws of various States of the Union in force April 1, 1908, relative to the commitments of patients to hospitals or asylums for the insane:

Alabama.—Judge of probate may act with or without verdict of the jury, at his discretion.

Arizona.—Probate judge may act.

Arkansas.—Probate judge or county judge may act.

Colorado.—County court or judge, and jury if the alleged insane person so elect.

Connecticut.—Judge of superior court may act.

California.—Judge or jury (if demanded) upon proper testimony.

Delaware.—Written order of chancellor or state trustees.

Florida.—Circuit judge or county judge.

Georgia.—Petition to the ordinary, who must act upon the verdict of twelve men.

Illinois.—Petition to the judge of the county court, and a jury of six persons, one of whom shall be a physician.

Indiana.—Two justices of the peace and a respectable practicing physician.

Iowa.—Commissioners of insanity receive applications, make inquiry into the patient's condition, hear evidence, etc., with power to commit. (See also laws of Dakota.) May appeal to district court from findings of commissioners.

Idaho.—Any judge of court of record may act.

Kansas.—Probate judge or jury of four men, one of whom shall be a physician.

Kentucky.—Circuit court judge and jury required.

Louisiana.—Judge of the district or parish court may act.

Maine.—Municipal officers of the town constitute board of examiners. Commitment on the certificate of at least two respectable physicians, based upon view, inquiry, and personal examination, etc.

Massachusetts.—Judge of supreme court or superior court or a judge of probate court may commit any insane person who is a proper subject for treatment or custody. No commitment without the certificate of two physicians, each of whom to be a graduate, etc. Violent persons may be received at hospitals without warrant of commitment for not exceeding five days without an order of the judge, as provided.

Michigan.—The judge of probate or jury of twelve men.

Minnesota.—Judge of probate may act, assisted by two persons, one of whom shall be a duly qualified physician, and three shall constitute a jury, etc.

Missouri.—Probate court shall cause inquiry and decision by jury to be made.

Montana.—A district judge acts. Must subpœna two physicians to make examination and testify and sign certificate.

New York.—Certificate of two physicians under oath, setting forth the insanity of such person within five days from day of confinement. Certificate must be approved by a judge or justice of a court of record of the county or district, etc. Judge may institute inquiry and make proofs as to lunacy before approving or disapproving such certificate. Judge may in his discretion call a jury to determine the question of lunacy.

New Jersey.—Order of court or common pleas court judge authorized to send patients, etc., and request, etc., having been first lodged

with the superintendent of the hospital or asylum upon certificate of two physicians.

New Hampshire.—Order of court or the judge of probate on certificate of two respectable physicians, etc., and such certificate shall be accompanied by a certificate of the judge of the supreme court or a court of probate, a mayor, or a chairman or a selectman testifying to the truthfulness of the signatures of the signers.

Nebraska.—Commissioners may act. Must have testimony of one physician.

Nevada.—District judge and two physicians.

New Mexico.—Commission and jury, as the circumstances may seem to require.

North Carolina.—Clerk of the superior court acts on testimony of at least one physician.

Maryland.—Circuit court of the county, etc., shall cause a jury of twelve to be empaneled and pass upon the question, etc.

Ohio.—Probate judge on certificate of medical witnesses.

Oregon.—County judge may act. Testimony of one or more physicians.

Pennsylvania.—Two or more reputable physicians under a personal examination made within one week of the date of their certificate, and the certificate to be duly acknowledged and sworn to or affirmed before a judge or magistrate of the county that such person has been examined, who shall certify to the genuineness of the signatures, etc., and the standing and good repute of all of the signers.

Rhode Island.—Judge of district court on certificate of two practicing physicians of good standing known to him as such.

South Carolina.—The superintendent and regents of the state lunatic asylum prepare questions to be answered. Judge of probate prepares answers, and, if patient can be admitted, judge of probate to examine two licensed practicing physicians, and the three shall make inquiry.

Tennessee.—Justice of peace may commit lunatic to jail until next term of court.

Texas.—County judge and jury of six men.

Utah.—District judge. Testimoney of two physicians.

Vermont.—Judge of probate may act on certificate of two physicians.

Virginia.—Justices of the peace or county or corporation judge, with two physicians constitute a commission to act.

Washington.—Judge of superior court of any county may act on certificate of two physicians, but the alleged lunatic may demand a jury to decide upon the question of his insanity.

West Virginia.—Justice of the peace may act on testimony of one physician.

Wisconsin.—Judge may act, assisted by a jury if demanded, on testimony of two physicians.

Wyoming.—Jury as in civil actions.

Mississippi.—By order of chancery court after an inquest of lunacy by six freeholders.

It will therefore appear that in a great majority of States in the Union the trial by jury is not obligatory unless special demand therefor is made.

The following is a letter from Hon. William A. Maury, of the board of visitors of the hospital, to the superintendent as to a jury trial being necessary before commitment:

SPANISH TREATY CLAIMS COMMISSION,
Washington, D. C., November 10, 1905.

MY DEAR SIR: In my desire to promote the beneficent object of removing from our statute book the objectionable provision that an inquisition by jury shall be a necessary condition to the admission of a feeble-minded person to the Government Hospital for the Insane, I have gone over the legislation of the States of this Union on the subject of admission of the feeble-minded to hospitals, and I find that almost all of the States commit the important function of sending such persons to hospitals to some judicial officer, either a probate or circuit judge, and prescribe the nature of the evidence upon which his action shall be based.

There are a few States where a common-law jury or something analogous is required. For instance, Alabama commits the function to the judge, leaving it discretionary with him to impanel a jury. Colorado authorizes action by the county court or some judge, and a jury if the alleged insane person shall so elect. Georgia requires that the ordinary to whom the petition for admission must be addressed must act upon the verdict of twelve men. Illinois empowers the judge of a county court, with a jury of six persons, one of whom shall be a physician. Kentucky requires a jury. Minnesota authorizes the judge of probate to act, assisted by two persons, one of whom shall be a duly qualified physician, and the three shall constitute a jury, etc. Missouri gives jurisdiction to the probate court and a jury. Montana provides for a judge or county commissioner, assisted by a jury of three persons. New York authorizes the judge to act, making it discretionary with him to impanel a jury to determine the question of lunacy. Nevada requires a district judge and two physicians. New Mexico requires a commissioner and a jury, as the circumstances seem to require. Maryland requires a jury of twelve to be impaneled. Washington requires the probate court to act, but allows the alleged lunatic to demand a jury. Wisconsin authorizes the judge to act, assisted by a jury, if demanded.

Of the States just enumerated it will be observed that only eight require inquisition by jury as a necessary condition to admission to a hospital for the insane.

The point made against the recent statute for the District authorizing admission to the hospital on the order of the judge of the probate court was that due process of law under the Constitution required that there should be an inquisition by jury. The act of February 28, 1861, sections 4845, 4846, and 4847, Revised Statutes, provided for the admission of patients on the certificate of any judge or justice of the peace and order of the Secretary of the Interior, on the application by a member of the board of visitors; and it was not until Bryant's case came up on habeas corpus that the position was taken and sustained that the act of Congress, which had been acted upon for so many years, was unconstitutional, in that it authorized admission of patients into the hospital without a trial by jury. Nobody ever went so far as to say that people with malignant and contagious diseases could not be put in pesthouses without a previous inquisition by jury. And yet insanity is as much a disease against which the community needs protection as smallpox or leprosy or yellow fever.

The term "due process of law," as stated in the Constitution, is generally interpreted by reference to what was due process of law at common law at the time the Constitution was adopted. Now, without having made any particular investigation into the subject, I venture to say that, so far from the insane having been entitled at that time to a trial by jury before being subjected to durance of any kind, they were treated with the utmost barbarity and cruelty, that they were cast into dungeons and loaded down with chains and fetters; in a word, they were treated as wild beasts, and, if I am not much mistaken, were dealt with without any regard for due process of law or the guaranties of human liberty.

Now, when we look at the act of Congress already referred to, we find that the above-mentioned provision with reference to the admission of the feeble-minded into the hospital is in complete accord with the legislation of a very large majority of the States of this Union. It would be absurd to say that the people of those States are living in Egyptian darkness as to what is called a great buttress of personal liberty.

It is, indeed, a subject for regret that one of the last vestiges of cruelty to the insane, namely, this requirement of jury trial, should remain in this District. That the presence of these unfortunate people before a court and jury is an aggravation of their malady is well established.

There is a striking contrast between your efforts to have the word "insane" struck out of the official title of your hospital and the determined way in which every effort made to do away with this cruel requirement of jury trial in this District is stoutly resisted.

You have no bars or gratings over your hospital windows because their presence would suggest a prison, and so have an injurious effect upon the minds of the unfortunate patients. Why, then, should we not, without delay, remove from our statute book this requirement of a jury because of its suggestiveness of a criminal proceeding?

Allow me to say, in conclusion, that I had no intention of writing such a letter when I began, and I hope you will treat it with the indulgence which is usually extended to matters of this importance done on the spur of the moment and flowing freely from a mind which has thought much upon the subject referred to.

Very truly, yours, WM. A. MAURY.

Dr. WM. A. WHITE,
Superintendent Government Hospital for the Insane,
Washington, D. C.

The following is a copy of a letter from H. M. Hoyt, Acting Attorney-General, to Dr. William A. White, superintendent Government Hospital for the Insane, which defines the responsibility of the superintendent for insane prisoners who have been sent to the hospital and whose sentences have expired while remaining there as patients. There are now about 100 insane prisoners in the hospital, but it is proper to state that a bill has been introduced and is now before the Committee on Public Buildings and Grounds for the erection of a hospital for insane criminals.

DEPARTMENT OF JUSTICE,
Washington, November 3, 1905.

SIR: Your letter of the 28th ultimo is received in reply to department letter of the 18th ultimo in relation to the mental condition of one George Robinson, a United States prisoner removed to your institution for treatment from the New Jersey State penitentiary at Trenton.

The reason the department wrote you in regard to the condition of Robinson was because of his letter of the 16th ultimo, asking to be discharged on the ground that his sentence had expired.

You say that, while Robinson's term has expired, he is still a very insane man, with many delusions and tendencies which make him dangerous. You also say there might be some question as to the legal right of the hospital to hold the patient, but that you have always felt, however, that you could not take the responsibility of discharging an insane person into the community, even where a prisoner's term has expired. You ask for an expression of my views in the matter.

In reply you are advised that the case refered to by you is similar to the cases of a number of United States prisoners who are confined in insane wards of state prisons whose terms have expired. The appropriation for support of prisoners provides for the care of those continuing insane after the expiration of sentence who have no friends to whom they can be sent.

Whenever you have any insane United States prisoners in your institution whose terms of imprisonment have expired, it is suggested that you take steps to turn them over to their relations or friends unless their mental condition is such you would not care to take the responsibility of such a course, in which case the prisoners should be detained in your institution.

Respectfully,
H. M. HOYT,
Acting Attorney-General.

Dr. WILLIAM A. WHITE,
Superintendent Government Hospital for the Insane,
Washington, D. C.

In 1907 the Society of Nervous and Mental Diseases appointed a committee to examine into all matters connected with the care of the insane in the District, and an extract from their report follows:

WASHINGTON, *D. C., December 5, 1907.*

Members of the Society of Nervous and Mental Diseases:

Your committee appointed at the last meeting to make a report at the next meeting on the care of the insane in the District of Columbia has held two meetings on the evenings of the 2d and 5th instants, respectively, and so far as time and opportunity permitted have acquainted themselves with the details regarding which the society desires report.

The insane, and those suspected of being insane, are cared for in three institutions. The Government Hospital for the Insane, where they are only received upon commitment papers signed by the District Commissioners in accordance with the statute; * * * About 400 patients are admitted to the government hospital from the District each year. * * *

Your committee is of the opinion that, in addition to the matters covered thus far in our report, your instructions were sufficiently broad to include recommendations touching the matter of lunacy legislation. Up to February 23, 1905, the date of the present act establishing a method of procedure in the matter of committing insane persons in the District of Columbia, commitment was had by marshal's jury. No comment is needed upon this antiquated method, and it is now, fortunately, a matter of history.

While the act of February 23, 1905, is a great improvement upon this old method of procedure, it has only gone a short way toward curing the defects of lunacy legislation in the District. The principal defect in the present method of procedure is the necessity for commitment in open court by inquisition before a jury. This is a great hardship both to the patient and his relatives. It is humiliating and can not possibly do good, but on the contrary tends to harm by placing the unfortunate per-

son accused of insanity in the same category as one accused of crime. In fact, the whole method of procedure is the method of the criminal court. If one were to attend these hearings and see the method in operation he would constantly be impressed with the fact that both by method of procedure and terminology employed, the alleged insane person is placed on a par with the criminal. He is cited into court, accused of insanity upon an affidavit of lunacy, signed by two citizens, in which they state that—

"If the insane person be permitted to remain at liberty * * * the rights of persons and of property * * * will be jeopardized, the preservation of the public peace imperiled and the commission of crime rendered probable."

Nothing appears to indicate that the unfortunate insane person is committed to the institution for his own welfare to be treated for the disease with which he is afflicted, and, if possible, be restored to health and useful citizenship, the implication being that he is removed from the community because he is a dangerous element therein. The question of insanity is solely and absolutely a medical one to be solved by medical men, and there is no more sense in submitting such a question to a jury of laymen than there is in submitting the question of the existence of typhoid fever.

Your committee is of the opinion that the lunacy legislation of the District requires complete revision in such a way that relief may be extended to the insane because of their illness, rather than upon the basis of probable criminal acts, as under the present law. In the main, the law should provide that, upon satisfactory medical evidence, the court should be empowered to commit directly without public proceedings in open court. The safety of all parties concerned can be readily taken care of by providing, as the New York law does, for example, that a hearing before a jury can be had upon the motion of the alleged insane person, or a friend or relative on his behalf, or upon the court's own motion. Experience shows that only a small percentage of cases that pass in review take this method of procedure under such a law, and then only those that are probably harmed the least by the excitement incident to a public trial.

Your committee would call particular attention to the fact that the time has never been more propitious for the enactment of new lunacy legislation. Until very recently every effort made along the lines above suggested has been crushed by the position, largely, of the District officials, who claim that any such change as suggested is unconstitutional and cited legal decisions to support their views, particularly the decision some years ago in the District court "Bryant (3 Mackay, 489)," in which "due process of law" was defined as meaning "trial by jury." In a recent case, however, Justice Barnard handed down a decision, under date of February 16, 1907, in which he reviewed the whole situation, both as to the meaning of "due process of law" and the constitutionality of certain questions involved. His opinion supersedes entirely the Bryant decision and clarifies the entire situation. There is now nothing to prevent proceeding along the lines indicated, as this decision clearly shows why "due process of law" need not necessarily mean "trial by jury" and why a process other than trial by jury may be constitutional.

In closing this report we will briefly sum up the recommendations that it contains: * * *

5. The revision of lunacy legislation.

Respectfully submitted.

WM. A. WHITE.
D. PERCY HICKLING.
D. K. SHUTE.

From the foregoing opinions as to the validity of commitment without a jury trial, from the examination of the laws of the several States of the Union, and from the opinions of experts and all others who have investigated the subject there would seem to be no doubt as to the humanity, safety, and propriety of doing away with the obligatory jury trial. The old treatment of the insane started with the idea that insanity was crime, and therefore juries were necessary; the new treatment says insanity is disease, and therefore doctors should determine its existence. Formerly we had asylums; now we have hospitals.

The following is the letter from the commissioners approving the proposed legislation:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 29, 1908.

DEAR SIR: The commissioners have the honor to recommend favorable action upon H. R. 12898, entitled "A bill to change the proceedings for admission to the Government Hospital for the Insane, and for other purposes," which you referred to them for their views thereon, if amended by inserting the words "equity court" in lieu of the words "a special term for orphans' court business," in line 9, page 1, and by inserting the words "*Provided*, That in the case of indigent patients the examination shall be made by the police surgeons, who shall receive no extra compensation on account of such service," after the word "Columbia," in line 14, page 3.

The bill, if enacted, will provide for more humane and enlightened proceedings for admission to the Government Hospital for the Insane. The main object of the bill is to do away with the jury system by providing for a hearing before a judge alone, unless in such cases as a hearing by a jury is requested. The commissioners are of the opinion that the ordeal of a jury trial results in a great hardship to the patient and often aggravates the severity of the mental disorder. The fact that a jury trial is required no doubt also frequently delays recourse to prompt treatment in incipient cases, and thereby lessens the chances of permanent recovery. For these reasons it would appear that a hearing before a judge alone and a requirement for the testimony of two reputable physicians would subserve the interests of the patient and friends.

Sections 2, 3, and 4 of the bill seem to guarantee ample protection against the danger of improper confinement. The enactment of this bill would increase the cost in lunacy proceedings by probably about $7,500 per annum on account of the provision of a per diem compensation of $10 to be paid to the examining physicians. The question of increased expense should not be given undue weight in considering a humane measure, but in the interests of economy the commissioners suggest that section 3 be amended to provide that the examination of indigent patients may be made by the police surgeons and by the physicians on duty at the psychopathic wards when such wards are established.

The commissioners are advised by the corporation counsel that the question of whether it is necessary to give a lunatic a trial by jury is not fully settled in this District. As it is extremely desirable that a trial by jury should be dispensed with in most instances, if possible, the commissioners are of opinion that it would be wise and appropriate to have a law enacted providing for trial without jury and allow the matter of its validity to be judicially determined.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.

Hon. J. VAN VECHTEN OLCOTT,
House of Representatives.

Your committee did not approve of making it the duty of the police surgeons to examine the indigent insane. The present board of police surgeons could not perform this work in addition to their present duties, and so nothing would be saved in expense, as new surgeons would have to be appointed. Apart from this, the appointment should be made by the court to carry out in this particular also the thought that insanity is not crime.

Your committee appends the opinion by Mr. Justice Barnard on the general subject of commitment, and holding the constitutionality of such commitment even though no jury be had.

[Supreme court of the District of Columbia. In the matter of Emily Murdock, alleged lunatic.]

Mr. Justice Barnard delivered the opinion of the court:

In this case Emily Murdock, by Churchwell O. Chenault, files a petition averring that she is a citizen of the United States, and that her last place of legal residence was the city of Philadelphia, but that for the past five years she has been confined in the Government Hospital for the Insane, in this District.

That on January 14, 1902, she was temporarily sojourning in Washington City, when on petition of one John M. George, a stranger to her, and on the affidavits of Dr. William W. Wagner and Dr. John W. Shaw, physicians in this District, she was arrested and detained, without warrant of law, and on January 17, 1902, on testimony given in open court by said physicians, before one of the justices of this court, she was adjudged and declared to be a lunatic, and was ordered to be placed in the custody of the superintendent of said government hospital for the purpose of care and curative treatment, where she has been ever since, save on one or two occasions, when she was allowed out on parole, in the custody of her mother.

She states that such confinement and restraint of liberty are without due process of law, she being held only under the order of commitment given by the said justice; that she is now mentally capable of taking care of herself and her property, but that the superintendent refuses to discharge her, and that the proceedings in the said lunacy case, No. 760, in this court, which she makes part of her petition, were unlawful, and she therefore prays for a writ of habeas corpus, in order that she may be released and discharged from such unlawful detention and restraint.

The said superintendent has filed his return to the petition, in which he says that he detains the said Emily Murdock in compliance with and by authority of an order of this court dated January 17, 1902, a copy of which is attached to his answer.

He further says that she is incapable of caring for herself, and that the only person who comes forward to vouch for her is her mother, who is equally incapable of caring for her daughter and is herself an object of charity. That her conduct was such when she has been on parole that complaints have been made, and she has been taken back and is now detained in the said hospital.

A copy of said order is annexed to the answer, from which it appears that "it is adjudged that the said Emily Murdock is an insane person; and it appearing to the court that the said person should be committed, it is ordered that said Emily Murdock, until otherwise ordered by competent authority, be committed to the Government Hospital for the Insane in the District of Columbia for the purpose of care and curative treatment."

Counsel for the petitioner and respondent have taken certain testimony before the court as to the present mental condition of the said petitioner, the witnesses on behalf of the petitioner being herself, her mother, and two other lay witnesses, but no medical testimony has been offered in her behalf. The testimony on behalf of the respondent was that of a physician who has been acquainted with the said petitioner since her commitment to the asylum, and it was of such character, when taken in connection with the testimony and appearance of the petitioner herself, as to make the court hesitate to discharge her on the ground that she was now mentally sane and capable of taking care of herself and her property.

Thereupon counsel for the respective parties have argued the constitutional question as to the validity of her commitment without the verdict of a jury first being had finding her to be of unsound mind.

Counsel for the petitioner claim that the act of January 31, 1899 (30 Stat. L., 811), does not authorize the commitment of any person to the hospital for the insane, because it was in contravention of the provisions of the Constitution, and that a proceeding under it was not "due process of law."

Counsel for the respondent insist that the proceeding was under the said act of Congress, and that it was "due process of law," notwithstanding there was no provision in said law for a jury trial.

The said act is entitled "An act to change the proceedings for commitment to the Government Hospital for the Insane in certain cases, and for other purposes."

It provides that a petition shall be filed, signed, and sworn to by some responsible resident of the District; and that a copy shall be served on the alleged lunatic and another on the Commissioners of the District; and that thereafter the court shall appoint two or more physicians not connected with any hospital for the insane to examine the alleged lunatic and to testify as to his mental condition; and that the court shall require the presence of the alleged lunatic at the hearing, unless for good reason it shall direct otherwise by an order stating such reason; and that the order of the court on the hearing shall be made without an inquisition by jury, and all the proceedings shall be entered in the minutes of the court.

This act was in force when the petitioner was examined and committed, being specially excepted from repeal by section 1636 of the code.

Said act remained in force until the 3d of March, 1903, when Congress expressly repealed all of said act except section 7, which requires the commissioners to return nonresident insane to their homes when practicable, and provides that thereafter proceedings by the Commissioners of the District to commit indigent insane persons to the Government Hospital for the Insane shall be taken in conformity with the law in force in said District on January 30, 1899. (32 Stat. L., 1043.)

That proceedings was based on the inquisition of a jury presided over by the marshal of the District, which first returned a verdict that the alleged lunatic was of unsound mind.

Counsel for the respondent claim that the case In re William M. Bryant, Third Mackey, page 489, decided by this court in general term in 1885, is an authority that should be conclusive and binding upon the court now in disposing of the question presented in this case.

At the time of that decision the court determined that there was no provision purporting to be due process of law which would authorize the commitment of a person to the Government Hospital for the Insane other than the finding of a jury.

Mr. Justice James says in his opinion in said case:

"This whole matter is regulated by the Maryland statutes of 1785, chapter 72, section 6, which contemplates that the person whose affairs the chancellor is to have control of shall first be found to be insane by a jury of inquiry. There must be a regular adjudication of the question by due process of law, without which even the chancellor can not act, and due process of law in establishing the insanity of a person has long been declared to be by inquiry through a jury. It would be impossible, therefore, that we should recognize the unsworn statements of two physicians to be due process of law."

He further states: "This commitment has no resemblance to the cases of persons in the Army or Navy or Marine Corps, or, perhaps, even in the revenue service. There the parties are already under control. A soldier can be made to go into the hospital for medical treatment upon the judgment of his superior officers, and they can order him to this asylum if they think that he ought to go there, and in that case the officer's action would be due process of law. But in the case of a civilian, the order of an executive officer upon the mere unsworn certificate of physicians can not be called due process of law."

The opinion concludes: "We hold, therefore, first, that these sections of the Revised Statutes do not contemplate compulsory seclusion in this institution without due process of law. They only open its doors to those who have been properly found to be insane persons. If they meant anything else they would be unconstitutional. And, secondly, we hold that the whole matter of the care of insane persons is regulated by the act of Maryland of 1785, which includes this proceeding of an inquiry by jury."

The Constitution (Art. III, sec. 2) provides that "the trial of all crimes, except in cases of impeachment, shall be by jury."

The sixth amendment to the Constitution also provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," etc.

The fifth amendment provides that "no person shall * * * be deprived of life, liberty, or property without due process of law."

These provisions have been construed by the Supreme Court as guaranteeing to a citizen of the District of Columbia the same right in a criminal case, to be tried by a jury, as to a citizen of any State or Territory, under the Constitution, notwithstanding section 8 of Article I, which empowers Congress to exercise exclusive legislation in all cases whatsoever," over this District. (Callan *v.* Wilson, 127 U. S., 540.)

But this does not answer the question presented for consideration in the case now before the court. The question to be considered is, Can there be due process of law as to the custody of unfortunate persons alleged to be of unsound mind, short of giving them a trial by jury? And if so, whether the said act of January 31, 1899, provides such proceeding as amounts to "due process of law," as defined by the courts.

An inquiry into the alleged lunacy of a person is not a criminal prosecution or the trial of a crime. In construing a similar provision in the state constitution of Iowa the supreme court of that State said:

"It is clear to us that this provision applies only to criminal prosecutions or accusations, for offenses against the criminal law, where it is sought to punish the offender by fine or imprisonment. The inquest of lunacy by a board of commissioners is in no sense a criminal proceeding. The restraint of an insane person is not designed as punishment for any act done. The insane are, by the law, taken into the care and custody of the State for treatment for their unfortunate infirmity." (County of Black Hawk *v.* Springer, 58 Iowa, 417; In re Breesee, 82 Iowa, 578.)

In Louisiana a statute providing that an alleged lunatic should be brought before a judge of chambers, and that, after inquiry, if the judge thought he should be sent to the insane asylum, he should order his commitment, was held to be valid by the supreme court of that State, as providing a proceeding which amounted to due process of law.

The court says: "The lawgiver has thus wisely provided for the protection of both such person and society; for cases may and do arise in which a most summary disposition should be made of those unfortunate persons whose mental derangement may be such as to prove a just cause of alarm to individuals and to the public at large." (In re William Ross, 38 La. Ann., 523.)

The said court, citing the Dartmouth College case (4 Wheat., 519), also uses this language:

"By the words 'due process of law,' found in the organic law, is meant: That every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society. By the law of the land is intended a general law; a law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial. The right to due process of law does not imply that, in every case, the parties interested shall have a hearing in court."

The only case cited by counsel for the petitioner is the said Bryant case, in Third Mackey.

That decision was rendered at a time when there was no statute law purporting to furnish any court proceeding for the compulsory commitment of insane persons to the asylum, except the statute of Maryland, of 1785, therein referred to.

That act placed the custody of the person and estate of any person who was an idiot, lunatic, or non compos mentis under the control of the court of chancery, and the chancellor was authorized to appoint a committee and to superintend, direct, and govern the concerns of such persons, both as to the care of his person and the management of his estate, by such orders and decrees as to him might seem just and proper.

At that time, also, the established course was for the chancellor to have a jury of inquiry before undertaking such management and care, whether the relief prayed for was as to the care of the person or as to the estate of the alleged lunatic. In that case the court recognized that the statutes relating to service in the Army or Navy or Marine Corps did provide a means by which persons in that service could be compulsorily confined in the said hospital, and says that the action of an officer in so sending a soldier, sailor, or marine to the said hospital would be due process of law.

It appears from the said opinion, also, that the court was there called upon to pass judgment in a matter where there was no sworn statement or evidence of anyone, and no adversary proceedings of any kind in court, but only an ex parte proceeding out of court by two physicians, not under oath, which the court said could not be recognized to be due process of law. There was no judicial ascertainment of the fact of insanity.

The court finally concludes in that case that the sections of the Revised Statutes in question do not contemplate compulsory seclusion in the said asylum without due process of law, and that the whole matter was then regulated by the said act of Maryland of 1785, which included an inquiry by jury.

I am not able to see that this case disposes of the question now presented to me.

Since that decision Congress passed the act of January 31, 1899, which expressly requires that the judicial decision necessary to control the court in directing the custody of the alleged lunatic shall be made by the court without an inquisition by jury. It provides for notice to and the presence of the alleged lunatic, and makes the finding a matter to be placed on the minutes of the court as a public record, and it safeguards any person alleged to be of unsound mind by making the proceeding one in open court and to be decided on sworn testimony.

It is not certain that if this statute had been before the court in general term when it heard the Bryant case, that the court would not have reached the conclusion that what is here expressly provided for as a public hearing in court on legal testimony is "due process of law."

There are many cases which hold that it is not essential that there should be a jury trial before a citizen can be deprived of liberty or property.

For example, proceedings for contempt; proceedings for condemnation of property under the power of eminent domain; assessment and collection of taxes; proceedings having regard to public morals, health, and safety under the police power; and decrees of courts of equity, both as to custody of persons and disposition of property.

The cases above cited, which have construed similar provisions in state constitutions, are persuasive that an inquiry into the mental condition of any person alleged to be of unsound mind is not a criminal prosecution and does not require a jury under the third article of the Constitution or the sixth amendment.

I, therefore, am forced to the point, in this case, of determining the meaning of "due process of law," as applied to such inquiry, and as used in the fifth amendment to the Constitution.

There is perhaps no legal phrase known, which has been more variously defined, than this one phrase, "due process of law."

In 8 Cyc., 1080, this definition is given: "Due process of law in each particular case means such an exertion of the powers of the Government as the settled maxims of the law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs."

In the notes, and further in the text, various other definitions are given, some of which are:

"Ordinary judicial proceedings in court."

"A trial according to some settled course of proceeding."

"Lawful judicial proceeding in a court of competent jurisdiction."

"Some legal procedure in which the person proceeded against, if he is to be concluded thereby, shall have an opportunity to defend himself."

"The right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved."

"An orderly proceeding adapted to the nature of the case, in which the citizen has an opportunity to be heard, and to defend, enforce, and protect his rights."

"A requirement of action or abstinence, binding upon and affecting alike each and every member of the community of the same class, or of similar circumstances, enacted for the general public good or welfare."

The cases from which these and other similar definitions are taken embrace state and federal decisions in great numbers, and also Cooley's Constitutional Limitations, wherein that learned author discusses this question at some length.

In the case of Nobles *v.* Georgia (168 U. S., 398), Mr. Justice White delivered the opinion of the court, and quoted with approval the case of Bonds *v.* Tennessee (Martin & Yerger, 142).

In the case referred to, after citing authorities, the court said:

"From this it appears that inspection by the court is one of the legal modes of trying the fact of insanity, and nothing appears in the record of this case to show that the discretion of the court, in adopting the mode pursued, was erroneously exercised."

Mr Justice White concluded his opinion as follows:

"It being demonstrated by reason and authority that at common law a suggestion made after verdict and sentence of insanity did not give rise to an absolute right on the part of a convict to have such issue tried before the court and to a jury, but addressed itself to the discretion of the judge, it follows that the manner in which such question should be determined was purely a mater of legislative regulation. It was, therefore, a subject within the control of the State of Georgia. Because we have confined our opinion exclusively to the question before us—that is, the right arising on a suggestion of insanity after sentence—we must not be understood as implying that a different rule would prevail after verdict and up to and including sentence, or as passing upon the question whether, under the fourteenth amendment, a State is without power to relegate the decision of a question of insanity, when raised before conviction to such apt and special tribunal as the law might deem best."

The language of the fourteenth amendment is as follows:

"Nor shall any State deprive any person of life, liberty, or property without due process of law."

The language is, in effect, identical with that used in the fifth amendment, so far as it safeguards the rights of persons and property; and "due process of law," as it seems to me, would have to be construed to mean the same under either provision.

In the case of Simon *v.* Craft (182 U. S., 436) Mr. Justice White uses this language in defining what is "due process of law:"

"The essential elements of due process of law are notice and opportunity to defend. In determining whether such rights were denied we are governed by the substance of things and not by mere form."

In the case of Holden *v.* Hardy (169 U. S., 366) Mr. Justice Brown, delivering the opinion of the court, discusses at length the "due process

of law" clause under the fourteenth amendment to the Constitution. He uses this language, on page 389:

"This court has never attempted to define with precision the words 'due process of law.' Nor is it necessary to do so in this case. It is sufficient to say that there are certain immutable principles of justice which inhere in the very idea of free government, which no member of the Union may disregard, as that no man shall be condemned in his person or property without due notice and an opportunity of being heard in his defense."

Mr. Justice Matthews, in the case of Hurtado *v.* California (110 U. S., 516), discusses the words "due process of law," as used in the fifth and fourteenth amendments; and upholds the constitution of California, which authorizes the prosecution of felonies by information, instead of by indictment by grand jury. On page 585, he says:

"Due process of law in the latter (the fifth amendment) refers to that law of the land which derives its authority from the legislative powers conferred upon Congress by the Constitution of the United States, exercised within the limits therein prescribed and interpreted according to the principles of the common law. In the fourteenth amendment, by parity of reason, it refers to that law of the land in each State which derives its authority from the inherent and reserved powers of the State, exerted within the limits of those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions and the greatest security for which resides in the right of the people to make their own laws and alter them at their pleasure."

The act of January 31, 1899, seems to me to be a proper exercise of legislative authority and to provide an orderly, reasonable, and safe method for fairly determining the mental condition of all unfortunate persons alleged to be of unsound mind, so far at least as to authorize their compulsory commitment to an institution such as the Government Hospital for the Insane for care and curative treatment.

The object of the law is for the protection and benefit of the unfortunate individual whose mind is affected and at the same time is in the interest of humanity and for the common welfare of the community.

After the repeal of this statute, the old method of having a jury of inquiry and testimony to be taken before such jury in the presence of the marshal, but not in open court, continued in force as the mode of procedure until the 23d day of February, 1905, when the present law was enacted requiring the inquiry to be made before the court and jury in open court (33 Stat. L., 740), so that we have had, within a comparatively short time, three different methods of procedure to accomplish the same purpose, all of them evidently enacted by Congress equally in the interest of the community and of the individual.

My experience and observation under the three different statutes as a judge leads me to the conclusion that the said act of January 31, 1899, is perhaps the best of the three for the individual who is suffering from mental disease, as there is less disturbance to the patient when he is brought into open court before a single judge than there is when he is brought before a marshal's jury of 13, or before a judge and 12 jurors, and is subject to all the excitement of an inquiry and argument before the jury.

Under either of the three laws mentioned, I think the interests of the individual will be protected, for the reason that he has notice of the proceeding and he and his friends and relatives have the right to be present, to bring witnesses, and to have counsel; an opportunity to defend, cross-examine, and to speak in his own behalf, where that is practicable, and in each case the proceeding is fair, orderly in its character, publicly conducted, and the result becomes a permanent public record and is such, in my opinion, as to make it conform to the requirement of the Constitution as "due process of law."

On the whole case, I am forced to the conclusion that the prayer of the petition must be denied and the petition dismissed; and the petitioner will therefore be remanded to the custody of the hospital until discharged by the superintendent as cured or by some other competent authority under the law.

Mr. OLCOTT. The bill gives the right of a jury trial to the alleged lunatic, upon his or her demand, or upon the demand of a relative or friend or other person designated by the court, and it further provides that within ten days after the commitment the same parties, or either of them, may appeal to a justice other than the justice before whom the matter was brought, which latter justice shall cause a jury to be summoned and shall try the question of such insanity.

I wish to correct another erroneous statement made by the gentleman from Florida. The gentleman states that this bill should have been reported to the Committee on the Judiciary rather than the Committee on the District of Columbia, for the reason that the Government Hospital for the Insane was originally used for only one class of patients—the insane of the army and the navy.

As a matter of fact, and for a number of years, the hospital has been receiving yearly between 600 and 700 patients, 400 of whom come from the District of Columbia. This seems to be a very good reason why the bill should have been considered by the Committee on the District of Columbia.

I might add that, in addition to the approval of this bill by the Commissioners of the District of Columbia, Judge William A. Maury, of the board of visitors, and the Society of Mental and Nervous Diseases, as set forth in the report of the Committee on the District of Columbia, it received also the approval of the corporation counsel of the District of Columbia, Mr. Justice Barnard, the Washington Board of Trade, and the Chamber of Commerce of the District of Columbia.

One word more: I have had a careful investigation made into the statutes of the various States of the Union in regard to the method of commitment of patients to hospitals for the insane, and I have incorporated in the report of the Committee on the District of Columbia an abstract of such statutes. Reference is made to the insanity laws of 43 States and 2 Territories, showing the method of commitment of patients, and of these only 8 States have laws requiring obligatory jury trials.

It will be interesting to read the extract from the report of the superintendent of the Government Hospital for the Insane for 1905, found in the report accompanying the bill, under the heading of "Lunacy legislation," where good reasons are set forth why the bill should be passed.

As I said before, a jury trial in every case is harsh, unjust, and wicked, and has a tendency to treat the alleged lunatic as a criminal rather than as a person suffering with a mental disease. The bill is fair and simple, and can do no possible harm.

I sincerely hope that on Monday next, when the bill comes up for consideration, it will be passed.

In conclusion and for the special information of the gentleman from Florida, who states that the bill to change the method of commitment of patients in the District of Columbia is the most outrageous measure that he has ever met with, and which strikes at the very foundation of the Government itself, I desire to state that the insanity laws of the State of Florida prescribe for the commitment of insane persons upon the order of a circuit judge or a county judge.

The SPEAKER. The Chair lays before the House the following request from the Senate.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House to return to the Senate the bill (S. 7872) to promote the administration of justice in the navy.

The SPEAKER. Without objection, the request is agreed to.

There was no objection.

Mr. FITZGERALD. Mr. Speaker, is that a request to return a bill to the Senate?

The SPEAKER. Yes.

Mr. FITZGERALD. That is the bill we have just sent to conference.

The SPEAKER. The Chair thinks not.

Mr. FITZGERALD. It sounded a good deal like it.

The SPEAKER. It is a Senate bill on the same subject on which the House just acted.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President (S. Doc. No. 697), which was read, referred to the Committee on the District of Columbia, and ordered to be printed.

The message is as follows:

To the Senate and House of Representatives:

I transmit herewith a letter from the Commissioner of Labor and Special Agent Victor S. Clark, of the Bureau of Labor, relating to an investigation conducted by them into the office of the building inspector of the District of Columbia, and I recommend that the Congress authorize the appointment of a commission of three members, with powers to administer oaths, to make a thorough investigation of the building-inspection department of the District of Columbia, and that an appropriation of $3,500 be made to defray the expenses of this commission.

I append hereto an extract from a recent verdict of a coroner's jury and certain letters which explain the reason of the investigation conducted by the Bureau of Labor.

I agree fully with the position taken in the report from the Bureau of Labor that the building-inspection department should not be left under suspicion as the result of unproven charges. In the interest of the building inspector, no less than of the public, there should be a thoroughgoing investigation of the conduct of his office. If that important department of the District government is inefficient or improperly conducted, its personnel should be reorganized. If, on the other hand, the criticism of it is unfounded, this should be demonstrated to the public's satisfaction and the building inspector vindicated and sustained.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 5, 1909.*

SPECIAL MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following special message from the President, which was read, as follows:

To the House of Representatives:

I herewith return, without approval, H. R. 16954, entitled "An act to provide for the Thirteenth and subsequent decennial censuses." I do this with extreme reluctance, because I fully realize the importance of supplying the Director of the Census at as early a date as possible with the force necessary to the carrying on of his work. But it is of high consequence to the country that the statistical work of the census shall be conducted with entire accuracy. This is as important from the standpoint of business and industry as from the scientific standpoint. It is, therefore, in my judgment, essential that the result should not be open to the suspicion of bias on political and personal grounds; that it should not be open to the reasonable suspicion of being a waste of the people's money and a fraud.

Section 7 of the act provides in effect that appointments to the census shall be under the spoils system, for this is the real meaning of the provision that they shall be subject only to noncompetitive examination. The proviso is added that they shall be selected without regard to political party affiliations. But there is only one way to guarantee that they shall be selected without regard to politics and on merit, and that is by choosing them after competitive examination from the lists of eligibles provided by the Civil Service Commission. The present Director of the Census in his last report states the exact fact about these noncompetitive examinations when he says:

"A noncompetitive examination means that every one of the many thousands who will pass the examinations will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation."

To provide that the clerks and other employees shall be appointed after noncompetitive examination, and yet to provide that they shall be selected without regard to political party affiliations, means merely that the appointments shall be treated as the perquisites of the politicians of both parties, instead of as the perquisites of the politicians of one party. I do not believe in the doctrine that to the victor belong the spoils; but I think even less of the doctrine that the spoils shall be divided without a fight by the professional politicians on both sides; and this would be the result of permitting the bill in its present shape to become a law. Both of the last censuses, the Eleventh and the Twelfth, were taken under a provision of law excluding competition; that is, necessitating the appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization. Mr. Robert P. Porter, who took the census of 1890, states that—

"The efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employees should be selected in accordance with the terms of the civil-service law."

Mr. Frederick H. Wines, the Assistant Director of the Census of 1900, states as follows:

"A mathematical scale was worked out by which the number of 'assignments' to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees. The assignees named in the first instance the persons to be examined. They were afterwards furnished each with a list of those named who had 'passed' and requested to name those who they desired to have appointed. Vacancies were filled in the same manner. This system was thoroughly satisfactory to the majority of the politicians interested, though there were a few who refused to have anything to do with it. The effect upon the bureau was, as may readily be imagined, thoroughly demoralizing."

Mr. Carroll D. Wright, who had charge of the Census Bureau after the census of 1890, estimates that $2,000,000, and more than a year's time, would have been saved if the census force had been brought into the classified service, and adds:

"I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made and in the absence of any necessity for the increase of the force, 389 new appointments were made."

This of course meant the destruction of economy and efficiency for purely political considerations.

In view of the temporary character of the work, it would be well to waive the requirements of the civil service law as regards geographical apportionment, but the appointees should be chosen by competitive examination from the lists provided by the Civil Service Commission. The noncompetitive examination in a case like this is not only vicious, but is in effect a fraud upon the public. No essential change is effected by providing that it be conducted by the Civil Service Commission; and to provide that the employees shall be selected without regard to political party affiliations is empty and misleading, unless, at the same time, it is made effective in the only way in which it is possible to make it effective, that is by providing that the examination shall be made competitive.

I also recommend that if provision is made that the census printing work may be done outside the Government Printing Office, it shall be explicitly provided that the Government authorities shall see that the eight-hour law is applied in effective fashion to these outside offices.

Outside of these matters, I believe that the bill is, on the whole, satisfactory and represents an improvement upon previous legislation on the subject. But it is of vital consequence that we should not once again permit the usefulness of this great decennial undertaking on behalf of the whole people to be marred by permitting it to be turned into an engine to further the self-interest of that small section of the people which makes a profession of politics. The evil effects of the spoils system and of the custom of treating appointments to the public service as personal perquisites of professional politicians are peculiarly evident in the case of a great public work like the taking of the census, a work which should emphatically be done for the whole people and with an eye single to their interest.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 5, 1909.*

REPRINT OF CENSUS BILL.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for a reprint of the census bill as it passed the two Houses of Congress.

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

ADJOURNMENT.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a special and detailed report from the Internal Revenue Bureau on denatured alcohol at home and abroad (H. Doc. No. 1419)—to the Committee on Ways and Means and ordered to be printed.

A letter from the Secretary of State, transmitting certificates of the electoral votes cast in the various States—to the Committee on Election of President, Vice-President, etc.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NYE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16747) to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street," reported the same without amendment, accompanied by a report (No. 2056), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 25149) to authorize certain changes in the permanent system of highways, District of Columbia, reported the same with amendment, accompanied by a report (No. 2059), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 27667) to amend an act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, approved March 2, 1891, reported the same without amendment, accompanied by a report (No. 2061), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MALBY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, reported the same with amendments, accompanied by a report (No. 2062), which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8048) to withdraw from settlement and entry certain lands in the State of California, reported the same without amendment, accompanied by a report (No. 2066), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, reported the same without amendment, accompanied by a report (No. 2069), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia, reported the same without amendment, accompanied by a report (No. 2053), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8187) to change the name of the Washington Hospital for Foundlings, reported the same without amendment, accompanied by a report (No. 2054), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 2065), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27243) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," reported the same with amendments, accompanied by a report (No. 2067), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 4033) to satisfy certain claims against the Government arising under the Navy Department, reported the same with amendments, accompanied by a report (No. 2048), which said bill and report were referred to the Private Calendar.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the Senate (S. 5349) for the relief of Madison County, Ky., reported the same without amendment, accompanied by a report (No. 2049), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 3452) for the relief of Joseph Schrembs, reported the same without amendment, accompanied by a report (No. 2050), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, which was referred the bill of the Senate (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, reported the same without amendment, accompanied by a report (No. 2051), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 7859) for the relief of Parsey O. Burrough, reported the same without amendment, accompanied by a report (No. 2052), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 14317) for the relief of S. I. Stone and others, reported the same without amendment, accompanied by a report (No. 2055), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 18161) for the relief of Willard W. Alt, of Hyannis, Nebr., reported the same without amendment, accompanied by a report (No. 2057), which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 18162) for the relief of Willard W. Alt, of Hyannis, Nebr., reported the same without amendment, accompanied by a report (No. 2058), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 25512) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States, reported the same with amendment, accompanied by a report (No. 2060), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3569) to remove the charge of desertion against the name of Thomas J. Schrimpsher, reported the same without amendment, accompanied by a report (No. 2063), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18760) for the relief of David Housel, reported the same adversely, accompanied by a report (No. 2064), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GOULDEN: A bill (H. R. 27819) authorizing commitment to rescue homes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 27820) for the erection of a public building at Milwaukee, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. LAMB: A bill (H. R. 27821) providing for inspection by official experts of all nursery stock, etc.—to the Committee on Agriculture.

By Mr. FERRIS: A bill (H. R. 27822) removing restrictions from the land lying along the section lines of the lands of the Five Civilized Tribes in Oklahoma—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 27823) authorizing the Secretary of War to furnish one condemned brass or bronze Napoleon gun, carriage, and cannon balls to the city of Enid, Garfield County, Okla.—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 27824) providing for participation in the Universal and International Exhibition to be held at Brussels in 1910—to the Committee on Industrial Arts and Expositions.

By Mr. STURGISS: A bill (H. R. 27825) to provide for the creation of a national highways commission and for the construction, improvement, and maintenance of public highways in cooperation with the several States—to the Committee on Agriculture.

By Mr. LEVER: A bill (H. R. 27826) authorizing the Secretary of War to furnish four condemned brass or bronze Napoleon guns, carriages, and cannon balls to the State of South Carolina—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 27882) to amend an act entitled "An act to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912," approved May 22, 1908—to the Committee on Industrial Arts and Expositions.

By Mr. SHERMAN (by request): Resolution (H. Res. 538) amending Rule XXXVI of the House of Representatives of the Sixtieth Congress—to the Committee on Rules.

By Mr. GRAFF: Resolution (H. Res. 539) requesting the President to direct the Interstate Commerce Commission to report to the House certain information—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: Joint resolution (H. J. Res. 252) authorizing the Director of the Census to collect and publish statistics from the manufacturers of cotton in the United States—to the Committee on the Census.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 253) authorizing the President of the United States, in con-

junction with the State of Texas, to determine and establish the boundary lines between the Indian Territory, the Territory of New Mexico, and the State of Texas—to the Committee on the Judiciary.

By Mr. COOK of Colorado: Memorial of the legislature of Colorado, urging Congress to establish an honor roll of officers of the civil war—to the Committee on Military Affairs.

By Mr. FERRIS: Memorial of the legislature of Oklahoma, memorializing the Congress of the United States for the enactment of a national law protecting migratory game birds from extinction—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Oklahoma, memorializing Congress to extend the reclamation fund and service to include drainage—to the Committee on Irrigation of Arid Lands.

Also, memorial of the legislature of Oklahoma, memorializing Congress to add to Platt National Park at Sulphur Springs, Oklahoma, the three portions of the Sulphur town site lying south of said park—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 27827) for the relief of Mary Bethoon Hanserd—to the Committee on War Claims.

Also, a bill (H. R. 27828) granting a pension to Sarah Hodge—to the Committee on Pensions.

By Mr. BRODHEAD: A bill (H. R. 27829) granting an increase of pension to Francis Reilly—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 27830) granting a pension to Mary Jane Davis—to the Committee on Pensions.

Also, a bill (H. R. 27831) granting an increase of pension to Sanford R. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27832) granting an increase of pension to Joseph S. Patten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27833) granting an increase of pension to William Lee—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 27834) granting an increase of pension to Edward Griffiths—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 27835) granting an increase of pension to Norben Arterburn—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 27836) granting a pension to Edward Plunkett—to the Committee on Pensions.

Also, a bill (H. R. 27837) granting a pension to Jedidiah Wilbur—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 27838) granting an increase of pension to Edward S. Allen—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 27839) granting an increase of pension to Dellen Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27840) granting an increase of pension to Jacob S. Bruton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27841) granting an increase of pension to Granville Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27842) granting an increase of pension to William Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27843) granting an increase of pension to John L. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27844) granting a pension to Dudley R. Sloan—to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 27845) granting a pension to Catharine Carson—to the Committee on Pensions.

Also, a bill (H. R. 27846) granting an increase of pension to Edward A. Dwyer—to the Committee on Pensions.

By Mr. GRONNA: A bill (H. R. 27847) granting an increase of pension to Herbert Drake—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 27848) granting an increase of pension to Benjamin M. Donaca—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 27849) granting a pension to William Edward Prater—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 27850) granting a pension to Lydia Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27851) granting an increase of pension to Cornelius Britton, jr.—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 27852) granting a pension to Jonah B. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27853) granting an increase of pension to Abraham R. Parish—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 27854) for the relief of B. B. Wood and others—to the Committee on Claims.

By Mr. KIPP: A bill (H. R. 27855) granting an increase of pension to Alexander Keeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27856) granting an increase of pension to Henry C. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27857) granting an increase of pension to David M. Brainerd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27858) granting a pension to Lena Griswold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27859) granting an increase of pension to Charles Walter—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 27860) granting an increase of pension to John M. Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27861) granting an increase of pension to Eli R. Dials—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27862) granting an increase of pension to William J. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27863) granting an increase of pension to William W. Ferguson—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 27864) granting a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 27865) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage tribe of Indians against the United States—to the Committee on Indian Affairs.

By Mr. McHENRY: A bill (H. R. 27866) granting an increase of pension to John B. Otto—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 27867) granting a pension to Warren W. Braman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 27868) for the relief of W. H. Francis—to the Committee on War Claims.

By Mr. SABATH: A bill (H. R. 27869) granting a pension to John Harrington—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 27870) granting an increase of pension to Felix L. Huff—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 27871) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. STERLING: A bill (H. R. 27872) granting an increase of pension to Thomas E. Morgan—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 27873) granting an increase of pension to Cornelius Chamberlain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27874) granting an increase of pension to Benjamin H. Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27875) granting an increase of pension to George W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 27876) granting a pension to Hannah Edgerly—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 27877) granting an increase of pension to William W. Lichty—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 27878) granting an increase of pension to Enoch Conner—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 27879) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry—to the Committee on Claims.

By Mr. GLASS: A bill (H. R. 27880) to correct the military record of William H. Patterson—to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 27881) granting a pension to Alma C. Maxey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of executive council of Arizona, favoring legislation to transfer the fee of certain land to the city of Yuma—to the Committee on the Public Lands.

By Mr. ANTHONY: Petition of citizens of Effingham, Kans., requesting the enactment of the Littlefield-Bacon bill, relative to shipment of intoxicants into prohibition States—to the Committee on the Judiciary.

Also, petition of Manhattan (Kans.) Grange, in favor of a national highways commission and federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Deis, Fertig Company, of Canal Dover, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Wolfe Brush Company, Lee C. Moore & Co., the National Lead and Oil Company, the Standard Manufacturing Company, the Pittsburg Dry Goods Company, the Doubleday-Hill Electric Company, the James C. Lindsay Hardware Company, the A. J. Logan Company, the Alling & Cory Company, Allen Kirkpatrick & Co., the Johnson-Earl-Meyers Company, the E. I. du Pont de Nemours Powder Company, and the First National Bank, of Pittsburg, Pa., for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

By Mr. BOOHER: Petition of citizens of St. Joseph, Mo., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. BRADLEY: Petition of Warwick Grange, No. 948, Patrons of Husbandry, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURKE: Petition of John F. Becker, favoring the omnibus claims bill (H. R. 15372, previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Claims.

By Mr. CARY: Petition of Grain Dealers' National Association, against S. 382, relative to federal inspection and grading of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the American Lumberman and the Hard Wood Manufacturers' Association, against removal of tariff on lumber—to the Committee on Ways and Means.

By Mr. COOK of Colorado: Petition of National Board of Trade, favoring transportation of supplies for the Panama Canal solely in American ships—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Board of Trade, favoring increase of salaries of United States judges—to the Committee on the Judiciary.

Also, petition of National Board of Trade, favoring legislation to establish an American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of C. J. Schunter and others, of Grand Mound, Iowa, against a duty on coffee—to the Committee on Ways and Means.

By Mr. EDWARDS of Kentucky: Papers to accompany bills for relief of Granville Riley, Samuel Parker, Minon McKiddy, Dellen Blevens, William Bishop, and Dudley R. Sloan—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of Indianapolis Freight Bureau, favoring H. R. 22901, 22902, and 22903, relative to interstate rate requirements—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of Milwaukee, against federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of Garrison No. 31, Regular Army and Navy Union, of Chicago, favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. FOULKROD: Petition of National Board of Trade, favoring 1-cent postage for local delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Board of Trade, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Hart, Schaffner & Marx, of Chicago; Guthmann, Carpenter & Tilling; and B. Kuppenheimer & Co., of Chicago, for the passage of the Sherley bill (H. R. 21929), amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Fort Massac commission, favoring the Sterling bill, for "retaining wall" at Fort Massac—to the Committee on Rivers and Harbors.

Also, petition of A. S. of E. Department of Grain Growers of Chicago, Ill., against removal or reduction of duty on wheat, barley, and other grains—to the Committee on Ways and Means.

By Mr. FULTON: Paper to accompany bill for relief of F. Edwina Willis (H. R. 15160)—to the Committee on War Claims.

Also, petition of citizens of Cimarron County, Okla., favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GLASS: Paper to accompany bill for relief of William H. Patterson (H. R. 17960)—to the Committee on Invalid Pensions

By Mr. GRAHAM: Petition of John F. Beckert, favoring the omnibus claims bill (H. R. 15372) (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Claims.

By Mr. GRANGER: Petition of directory of Boston Architectural Club, against any change in the commission's plan for improvement of Washington—to the Committee on the Library.

By Mr. GRONNA: Petition of citizens of New Rockford, N. Dak., for retention of present duties on grain—to the Committee on Ways and Means.

By Mr. HAMLIN: Petition of citizens of Bolivar, Republic, Springfield, Humansville, Ash Grove, Bois D'Arc, and Walnut Grove, all in the State of Missouri, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of members of A. G. Warner Post, No. 54, Department of Connecticut, Grand Army of the Republic, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HOUSTON: Papers to accompany bills for relief of G. W. Charlton and William Parks—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Matthew W. Finch (H. R. 25701)—to the Committee on Invalid Pensions.

Also, petition of New Jersey State Horticultural Society, favoring H. R. 21318, relative to adulterated or misbranded fungicides and insecticides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Liberty Grange, Patrons of Husbandry, of Bradevelt, N. J., favoring national highways commission—to the Committee on Agriculture.

By Mr. HOWLAND: Petition of citizens of Sharon Center, Ohio, praying for legislation creating a national highways commission—to the Committee on Agriculture.

By Mr. KENNEDY of Iowa: Papers to accompany bills for relief of Jonah B. Eaton and Abram R. Parish—to the Committee on Invalid Pensions.

By Mr. KIPP: Petition of citizens of Bradford County, Pa., favoring a national highways commission—to the Committee on Agriculture.

By Mr. LAMB: Paper to accompany a bill relative to protection of plants against importation of injurious insects—to the Committee on Interstate and Foreign Commerce.

By Mr. LASSITER: Petition of H. P. Harrison, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Paper to accompany bill for relief of William A. Calahan—to the Committee on War Claims.

By Mr. LONGWORTH: Petition of residents of Cincinnati, Ohio, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of business men of Tawas City, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of residents of Gloucester County, N. Y., favoring amendment to the Constitution enabling women to vote—to the Committee on the Judiciary.

By Mr. McHENRY: Petition of citizens of Pennsylvania, for legislation to establish a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN: Petition of the Crooks Lumber Company, of South Dakota, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Citizens' Trade Association, of Cambridge, Mass., favoring government forest reservation of White Mountains and Appalachian Mountains—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Rothe, Wells & Bauer, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of W. H. Francis—to the Committee on War Claims.

By Mr. PATTERSON: Paper to accompany bill for relief of Alden R. Holden—to the Committee on Claims.

By Mr. SHERMAN: Petition of St. Lawrence Wholesale Grocery Company, of Ogdensburg, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SPIGHT: Paper to accompany bill for relief of Louisa S. Flournoy—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of James M. Hensley—to the Committee on Military Affairs.

By Mr. STURGISS: Petition of National Commercial Company, of Martinsburg, W. Va., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of William Lichty—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of P. F. Heidelbaugh, F. C. Judkins, A. M. Patrick, S. L. Sherrick, T. W. Ditto, and 500 other farmers in a meeting held at Delphos, Ohio, favoring the election of United States Senators by popular vote—to the Committee on the Judiciary.

SENATE.

SATURDAY, *February 6, 1909.*

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

Let us praise famous men and our fathers who begot us. The Lord hath wrought great glory by them through His great power from the beginning. Leaders of the people by their counsel and by their knowledge of learning meet for the people, wise and eloquent in their instructions. All these were honored in their generations and were the glory of their times. There be of them that have left a name behind them, that their praises might be reported. And some there will be who have no memorial, who are perished as they had never been. But these were merciful men, whose righteousness hath not been forgotten. The people will tell of their wisdom and the congregation will show forth their praise.

Let us pray.

Father, we praise Thee, we thank Thee, every day of our lives we thank Thee, for the fathers who were before us, for the men who made this country, for that country whose God is the Lord, for the men who made this Senate and the House of Representatives, who ordained this Government of the people, for the people, by the people.

We thank the living God; and we ask Thee, Father, to be with us, the children and the children's children of these men, to lead us where we need leading, to teach us always, to enliven us with the Holy Spirit, with Thy divine light.

We remember before Thee those men who in this Senate have led it forward in dignity and honor before this people. Bless them. Bless us. Be with this people, Father, as a father with his children. We ask it in Christ Jesus.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is done in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

REPORT OF PRINTING INVESTIGATION COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following communication, which was read and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed (S. Rept. No. 932):

PRINTING INVESTIGATION COMMISSION,
Washington, February 5, 1909.

SIR: I have the honor to transmit herewith, by direction of the Printing Investigation Commission, a report embodying certain recommendations in relation to future appropriations for the public printing and binding, and the maintenance of the Government Printing Office and the office of the Superintendent of Documents.

Very respectfully,

T. C. PLATT,
Chairman Printing Investigation Commission.

The PRESIDENT OF THE SENATE, *Washington, D. C.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 60. An act for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois;

S. 212. An act to reimburse S. R. Green, postmaster of Oregon City, Oreg., for moneys lost by burglary;

S. 568. An act for the relief of Capt. George Van Orden, U. S. Marine Corps;

S. 655. An act for the relief of Richard A. Proctor;

S. 685. An act to provide for the payment of John M. McDowell for services rendered in preparing a new set of indices of all records of Council City recording district of the second judicial district of Alaska;

S. 1204. An act for the relief of J. M. Bloom;

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 2969. An act for the relief of O. Maury & Co., of Bordeaux, France;

S. 3723. An act for the relief of the Farmers and Merchants' Bank of Mandan, N. Dak.;

S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 3808. An act to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898;

S. 4312. An act for the relief of William E. Moses;

S. 4313. An act for the relief of John V. Vickers;

S. 4427. An act for the relief of the Hastings Steamboat Company;

S. 5330. An act for the relief of the Mille Lac band of Chippewa Indians, in the State of Minnesota, and for other purposes;

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by the Government of France;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.;

S. 6891. An act for the relief of Maj. G. S. Bingham;

S. 7325. An act for the relief of Cadmus E. Crabill;

S. 7390. An act for the relief of Christina Rockwell; and

S. R. 122. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1909.

The message also announced that the House had passed the bill (S. 4024) for the relief of John H. Hamiter, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6262) to promote the administration of justice in the navy, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERTS, Mr. DAWSON, and Mr. PADGETT managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1536. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war;

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3674. An act for the relief of Martha E. West;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 5728. An act for the relief of James H. De Coster.

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 7098. An act for the relief of the legal representatives of James S. Clark, deceased:

H. R. 7157. An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C.;

H. R. 8448. An act to pay Velvia Tucker arrears of pension due her father, William N. Tucker;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 8959. An act for the relief of the board of education of the Harpers Ferry School District of Jefferson County, W. Va.;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 11632. An act for the relief of Phoebe Clark;