Also, petition of Cowlitz Pomona Grange, No. 7, Patrons of Husbandry, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Legislature of the State of Washington, favoring bill to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of business men of Auburn and Martel, Nebr., against the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of executive committee of the Five Years' Meeting in America of Religious Society of Friends, deploring the proposal to fortify the Panama Canal; to the Committee on Railways and Canals.

By Mr. MORGAN of Oklahoma. Petitions of E. R. Clark, Palmer-Potter Hardware Co., Owl Drug Store, T. D. Turner & Co., A. S. Thayer, Frederickson & Kroh Music Co., Calumet Retailers' Association, G. D. Tuter, Oklahoma City Retailers' Association, Charles D. Still, Ellis County Farmers' Institute Executive Committee, L. J. Richards, and others, protesting against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. PAYNE: Petition of business men of Clyde, Wolcott, Williamson, Savannah, Victor, Ontario, Canandaigua, Sodus, Lyons, Newark, and Weedsport, all in the State of New York, for Senate bill 3776, regulating express companies by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: Petition of citizens of Kansas, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Paper to accompany bill for the relief of Daniel D. Mellen and Thomas Congdon; to the Committee on Invalid Pensions.

By Mr. STERLING: Petition of W. T. Kissinger and J. K. Drake, of Canton, Ill., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of members of the Old Baptist Church, of Freeport; Christian Church of Minonk; Mount Zion Baptist Church, of Piasa; First Congregational Church, of Bloomington; Methodist Episcopal Church of Freeport; and citizens of Towanda and Millersville, all in the State of Illinois, for the enactment of the Miller-Curtis interstate liquor bill, H. R. 23641; to the Committee on the Judiciary.

Also, petition of John Evanson Co., Le Roy, Ill., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of Society of Colonial Dames, against placing a criminal reformatory near Mount Vernon; to the Committee on the District of Columbia.

By Mr. TOU VELLE: Petition of State Council and George W. Hirst Council, No. 132, of New Weston, Ohio, of the Junior Order United American Mechanics, for more stringent laws relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. UNDERWOOD: Paper to accompany bill for relief of daughter of James Fornance; to the Committee on Claims.

SENATE.

FRIDAY, *January 27, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

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 and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of the president and officers of the civil government of Porto Rico, remonstrating against the enactment of legislation proposing to interfere with the elective privileges of the people of that island, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Roughriders of California, praying that San Francisco, Cal., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a resolution adopted at a meeting of the North Carolina Society of New York, favoring the enactment of legislation providing for the establishment and maintenance of permanent forests at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented resolutions adopted by the Municipal Council of Tuburan, Province of Cebu, P. I., favoring the enactment of legislation relative to the independence of the people of that island, which were referred to the Committee on the Philippines.

Mr. CULLOM presented a memorial of the American Federation of Catholic Societies of Chicago, Ill., remonstrating against any appropriation being made for the extension of the work of the National Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of Lawndale Lodge, No. 2034, Modern Brotherhood of America, of Chicago; of Tobey Camp, No. 41, Woodmen of the World, of Decatur; of Harmony Division, No. 417, Brotherhood of Locomotive Engineers, of Peoria; and of Local Lodge No. 24, Brotherhood of Railroad Trainmen, of Galesburg, all in the State of Illinois, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. McCUMBER presented a petition of the Current Events Club, of Bismarck, N. Dak., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented memorials of sundry citizens of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which were order to lie on the table.

He also presented a petition of Local Lodge No. 783, Modern Brotherhood of America, of Westphalia, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Bird City, Kans., remonstrating against the adoption of an amendment to the Constitution recognizing the Deity, which was ordered to lie on the table.

Mr. BROWN presented sundry papers to accompany the bill (S. 10111) granting an increase of pension to John H. Lennon, which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Club of Lincoln, Nebr., praying for the passage of the so-called Weeks forest-reserve bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Blackhill Lodge, No. 198, Brotherhood of Railroad Trainmen, of Chadron, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. DEPEW presented a petition of the Engineers' Club of Brooklyn, N. Y., praying for the enactment of legislation to increase the efficiency of the Engineer Corps of the Army, which was ordered to lie on the table.

He also presented a petition of the Kings County Republican Club, of Brooklyn, N. Y., and a petition of the Board of Aldermen of New York City, N. Y., praying that the battleship *New York* be constructed at the Brooklyn Navy Yard, which were referred to the Committee on Naval Affairs.

He also presented petitions of Local Union No. 499, Knit Goods Cutters, of Cohoes; of Local Union No. 352, Coal Teamsters and Handlers, of Albany; and of Local Union No. 23, Journeymen Horseshoers, of Buffalo, all in the State of New York, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 1164, Patrons of Husbandry, of Gowanda, N. Y., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Empire City Lodge, No. 197, Brotherhood of Railroad Trainmen, of New York City, N. Y., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented petitions of Darias A. Drake Post, No. 36, of Lakeport; Custer Post, No. 47, of Conway; Post No. 85, of New London; O. W. Lull Post, of Milford; Lincoln Post, No. 28, of Charlestown; Marshal Sanders Post, No. 48, of Littleton; James B. Perry Post, No. 13, of Lebanon; Perkins Post, No. 78, of Hampton; W. I. Brown Post, No. 31, of Penacook; Moses N. Collins Post, No. 26, of Exeter; Ephriam Webster Post, No. 87, of Antrim; Charles Stinson Post, of Goffstown; Eli Wentworth Post, No. 89, of Milton Mills; Penniman Post,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

No. 42, of New Hampton; T. L. Ambrose Post, No. 73, of Mountain View; John G. Foster Post, of Nashua; Wesley B. Knight Post, No. 44, of Derry; Joe Hooker Post, No. 51, of Raymond; W. K. Cobb Post, of Pittsfield, all of the Department of New Hampshire, Grand Army of the Republic, in the State of New Hampshire, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented the petition of C. E. Caswell, of Warren, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. ELKINS presented a petition of the Board of Trade of Wheeling, W. Va., praying for the passage of the so-called Weeks forest-reserve bill, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented resolutions adopted by the house of representatives of the Legislature of the State of Minnesota, which were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Messrs. Washburn, Campbell, and McNeil offered the following resolutions:

Whereas it has come to the attention of the members of this house that the appointments to the United States postal service have not materially increased, notwithstanding the increasing demands of this department, in order to provide a satisfactory mail service; and

Whereas such failure to increase the appropriation with increasing demands of service, there are many employees in the Railway Mail Service required to work 12 or 14 hours per day in this exhaustive and perilous occupation, to the impairment of both the service itself and to their own health;

Whereas the rules of the postal service forbid the presentation or complaint of the employees under pain of dismissal: Be it therefore

Resolved, That it is the sense of the house of representatives of the State of Minnesota that the postal service should not be curtailed to the impediment of the service, but should keep pace with the development of this the greatest factor in the distribution of knowledge and in the spread of general intelligence;

Resolved, That it is the sense of this house that sufficient railway mail clerks should be employed at reasonable salaries to maintain the postal service to a degree of efficiency, and we deplore the reported efforts of the Post Office Department in practicing economy in this particular branch of the department, as the burden falls heavily upon those who are at the present time underpaid, and representing, as they do, thousands of the best citizens of our Commonwealth: Be it

Further resolved, That the members of the congressional delegation of the State of Minnesota, including its Representatives and Senators, are respectfully requested to make due investigation of the above-mentioned conditions and to take such reasonable measures as will relieve the present deplorable conditions and will maintain the postal service at a high degree of efficiency, consistent with any reasonable cost, but by all means come to the aid of these men.

Resolved, That a copy of these resolutions be forwarded to each member of the Minnesota delegation in Washington.

Which was adopted.

He also presented a petition of Itasca Lodge, No. 401, Brotherhood of Locomotive Firemen and Engineers, of Two Harbors, Minn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

GREAT FALLS OF THE POTOMAC.

Mr. BROWN. I have in my hand an article by Mr. O. P. Newman, giving a very interesting and valuable history of the Great Falls of the Potomac River. It is very short. I move that it be printed as a document (S. Doc. No. 790).

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 10503) granting an increase of pension to Henry C. Elkins (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10504) granting an increase of pension to James Doyle (with accompanying papers); and

A bill (S. 10505) granting an increase of pension to Henry Herbst; to the Committee on Pensions.

A bill (S. 10506) for the relief of William F. Norris; to the Committee on Claims.

By Mr. DAVIS:

A bill (S. 10507) for the relief of heirs or estate of George A. Hon, deceased (with accompanying paper); and

A bill (S. 10508) for the relief of heirs of John Rabb, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 10509) granting a pension to Adidamiah Reeves (with accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 10510) granting an increase of pension to John Calvin;

A bill (S. 10511) granting an increase of pension to Charles O. Chapman (with accompanying papers); and

A bill (S. 10512) granting a pension to Amanda Blake (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 10513) for the relief of C. C. Tolson, his heirs or legal representatives; and

A bill (S. 10514) for the relief of the heirs of Moses Crow; to the Committee on Claims.

By Mr. JOHNSTON (for Mr. NEWLANDS):

A bill (S. 10515) granting an increase of pension to John S. Cilley (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 10516) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts; to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 10517) granting an increase of pension to Barney A. Cooper (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 10518) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 10519) to provide for the erection of a public building at Nephi, Utah; to the Committee on Public Buildings and Grounds.

By Mr. PENROSE:

A bill (S. 10520) granting an increase of pension to Amos Snyder; and

A bill (S. 10521) granting an increase of pension to Mary J. Irwin (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 10522) for the relief of Henry G. Roetzel and Paul Chipman; to the Committee on Claims.

A bill (S. 10523) granting an increase of pension to Ferdinand Hercher; and

A bill (S. 10524) granting a pension to Susannah Lindsey (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 10525) granting an increase of pension to Peter Baker; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 10526) for the relief of Thomas Hoyne; to the Committee on Indian Depredations.

By Mr. DEPEW:

A bill (S. 10527) to ratify and confirm a lease between the Seneca Nation of Indians and Edward Bolard; to the Committee on Indian Affairs.

By Mr. BROWN (for Mr. BEVERIDGE):

A bill (S. 10528) for the relief of Catharine P. McElfresh, executrix of Frank H. Finley, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 10529) granting a pension to Jennie West (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 10530) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment, providing that on and after July 1, 1911, clerks in first and second class post offices shall be allowed extra compensation for all the time in excess of eight hours on any working day, etc., 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.

Mr. KEAN submitted an amendment, increasing the limit of cost for a site for the public building at Passaic, N. J., to $50,000, 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. JOHNSTON submitted an amendment, proposing to appropriate $8,800 for grading and improving Rock Creek Road NW., from Georgia Avenue to Fifth Street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment, authorizing the Secretary of War to furnish to a governor of any State, upon his request, a complete copy of all records in the possession of the Secretary of War showing the names and designating the service of soldiers and sailors who during the Civil War en-

listed in the Army and Naval service in the Union or Confederate Armies and Navies, etc., 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. GAMBLE submitted an amendment proposing to appropriate $150,000 for improving the Missouri River between Sioux City, Iowa, and a point where it crosses the State line between North and South Dakota, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

LAWRENCE M. SIZER.

Mr. JONES submitted the following resolution (S. Res. 328), which was considered by unanimous consent and agreed to:

Resolved, That the Postmaster General is hereby directed to transmit to the Senate a copy of all papers, charges, etc., in the matter of the dismissal from the postal service of Lawrence M. Sizer, formerly a clerk in the post office at Seattle, Wash.

FUNERAL EXPENSES OF THE LATE SENATOR JOHNSON.

Mr. McCUMBER submitted the following resolution (S. Res. 329), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred in the funeral of the late Senator Martin N. Johnson, from the State of North Dakota, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Exenses of the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. DAVIS. Mr. President, I wish to give notice that on next Monday, just after the morning business, I propose to address the Senate on the joint resolution reported by the Senator from Idaho [Mr. BORAH] from the Committee on the Judiciary, proposing an amendment to the Constitution providing that Senators shall be elected by a direct vote of the people.

SENATOR FROM ILLINOIS.

Mr. CUMMINS rose.

The VICE PRESIDENT. If there be no objection, the Chair will lay before the Senate the following business.

The SECRETARY. The report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

The VICE PRESIDENT. The Senator from Iowa will proceed.

[Mr. CUMMINS resumed and concluded the speech begun by him yesterday. The entire speech is printed below.]

Thursday, January 26, 1911.

Mr. CUMMINS. Mr. President, if we are judges, as I believe we are, it ought at least to be assumed that we are honest and that our votes will express our sincere convictions founded upon the law and the evidence before us. These passionate appeals for calmness; these frenzied demands for deliberation; these furious assaults upon a public opinion which is supposed to be beating against the doors of this Chamber, can have no other interpretation than that the Senators who have uttered them fear that those who dissent from the conclusion of the majority of the committee are about to render their judgments not in accordance with the testimony, not in obedience to the established law, but under the influence of a general clamor and mob spirit which is supposed to have taken possession of the people. These fears are groundless and do little justice to the honor of Senators or to the solemnity of the occasion. I am bound to believe, and I do believe, that every Senator who votes upon these reports will record the truth as he sees it and as he has gathered it from the only lawful source of information—the testimony presented to him by the committee. I not only agree in the lofty sentiment that excludes from our consideration the opinion of the people and the comments of the press, but I broaden it so that it will exclude all the influences which have been aroused in this unfortunate controversy, for there are other voices than those of the general public and the newspapers, which are quite as insistent and sometimes infinitely more powerful, and which at times are heard about the Capitol. It has astonished me somewhat to hear these very proper demands that the issue should be decided solely upon the evidence, and in the very next breath to hear from the members of the committee the suggestion that the verdict of the jury in Chicago and the reelection of men to office who have been accused of crime should be accepted by us as proof that Mr. LORIMER was not corruptly elected to the Senate of the United States. And this notwithstanding the admission of the senior Senator from South Dakota [Mr. GAMBLE] that there was a gang of boodlers in the Illinois Legislature of which some of the men who were so reelected must necessarily have been a part.

Speaking for myself alone, I intend to be governed by the evidence we have before us and the law as it has been established; but when I remember that the testimony taken by the committee was published, and from the very beginning has been in the possession of great multitudes of people just as completely as it has been in our possession, I say frankly that if I were driven to a choice between the result of a criminal trial in Chicago or the reelection to office of men some of whom are confessedly corrupt, and the judgment of men and women throughout the country who have reached their conclusions with nothing but the good of their country at heart, I would not hesitate to accept the latter as my guide.

Before passing, Mr. President, to an examination of the value or the probative effect of the testimony now before the Senate respecting the election of WILLIAM LORIMER to the Senate of the United States, I desire to analyze briefly the report submitted by the committee through a majority of its members, to ascertain, if it be possible, the exact attitude which the committee holds toward the issue we are about to decide.

I hope that, inasmuch as judges have differed and juries have disagreed from time immemorial, I may be permitted to differ from the members of the committee without any suggestion or imputation upon the honesty of their conduct or the integrity of their purpose. Whether WILLIAM LORIMER had guilty knowledge of the efforts that were being made in his behalf, and which finally resulted in his election, I do not say; it is not necessary for me to declare an opinion upon that subject, and the attitude of the committee with respect to it has made it exceedingly difficult for anyone to reach a proper conclusion with regard to it. I question that attitude in this: The committee seems to have assumed that the Chicago Tribune was the plaintiff in the case before it and that WILLIAM LORIMER was the defendant, and that the admissions and statements made on behalf of the plaintiff concluded the committee in so far as those admissions and statements were made against the interest of the plaintiff. It appears that because counsel for the Chicago Tribune announced, in response to a suggestion from the senior Senator from Idaho [Mr. HEYBURN], a member of the committee, that personally he did not intend to connect Mr. LORIMER with the bribery, and that at another time, in argument upon the admission of evidence, stated—and I now quote—"we do not contend he had anything to do with it," therefore the question of Mr. LORIMER's participation in or guilty knowledge of the corruption was eliminated from the investigation, and there seems to have been no effort from that time forward to pursue that particular phase of the subject.

I do not agree with such attitude upon the part of the subcommittee. I do not think that the Chicago Tribune was the plaintiff. I do not think that any admission or statement made by the counsel for the Tribune could in anywise restrict or limit the powers or duties of the committee raised by the resolution of the Senate.

It was altogether natural, after the committee had assumed such a position, for it to say in its report that there was no testimony offered during the investigation which would tend in the remotest degree to implicate Mr. LORIMER in any personal act of bribery or attempted bribery or corrupt practices of any nature.

I make these observations because I do not intend in the time that I shall occupy to consider the claim that the testimony convicts Mr. LORIMER of personal participation in the acts of bribery, which I think are abundantly established by the evidence; but I could not pass this phase of the matter without the suggestion I have made with regard to the inadequacy of the investigation in that behalf.

The resolution under which the committee acted, which is found in the record on page 13, provides:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois there were used or employed corrupt methods or practices.

It is one of the strange things about this report that the only thing upon which the committee was directed to report is the only thing upon which the committee did not report. The report specifically finds that the alleged bribers, Browne, Wilson, and Broderick, were not corruptly influenced. That appears on page 14 of the report. With respect, however, to the four men alleged to have been bribed—White, Link, Beckemeyer, and Holstlaw—the report is that White is so bad that he is unworthy of belief; that Link and Beckemeyer were coerced by a public prosecutor into admissions that they received money for their votes; and that Holstlaw was also driven by criminal proceedings to confess, and that his story is improbable. After these comments the report concludes, on page 13, as follows:

And after a careful examination and consideration of all the evidence submitted, the committee are of the opinion that even if it should be conceded that the four members of the Illinois General Assembly before referred to received money in consideration for their votes for Mr. LORIMER, there are no facts or circumstances from which it could be found or legally inferred that any other member or members of the said general assembly were bribed to vote for Mr. LORIMER.

I submit that this is not the report required by the resolution. There is nowhere in it an answer to the inquiry whether there were used or employed corrupt methods or practices. The committee either believed that these men were bribed or that they were not bribed. No matter how unworthy White is, or how unjustly treated Link and Beckemeyer were, or how improbable Holstlaw's story seemed to be, the Senate had a right to know from the committee whether, upon all the testimony, with its strength and its weaknesses, with its corroborations and its contradictions, it believed that any members of the legislature were bribed, or, more broadly still, whether corrupt methods or practices were used or employed.

Mr. President, since the report to which I have referred was presented to the Senate, three members of the committee have addressed the Senate upon the subject. Those three members have very definitely and clearly stated as their belief that there were no corrupt practices used or employed in the election of Mr. LORIMER, but those statements are not found in the report, and I instance the character of the report in this respect for two reasons: First, to show that the committee are evidently unwilling as a whole to affirm that there were no corrupt methods or practices used or employed—that is, were unwilling to assert that these four men were not bribed; second, that in reporting as it has the committee has presented either an inconceivable conclusion of fact or a most extraordinary conclusion of law.

The conclusion of fact is that although the testimony may be accepted as proving that White, Link, Beckemeyer, and Holstlaw received money in consideration of their votes for Mr. LORIMER there is no testimony to show who paid the money. The alternative conclusion of law is that Browne, Wilson, and Broderick might have bribed White, Link, Beckemeyer, and Holstlaw to vote for Mr. LORIMER and that nevertheless their own votes for Mr. LORIMER were clean and honest. Before I have finished I intend to consider these two alternative propositions, which seem to me to follow inevitably from the report of the committee.

I do not suggest that Mr. LORIMER should be unseated because the report of the committee is so irresponsive and inadequate in these respects, but I do insist that it is so wanting in proper findings or conclusions that it is in substance no more than a return of the testimony taken.

On the other hand, the views of the minority, as presented by the Senator from Indiana [Mr. BEVERIDGE], are clear, concise, and complete, and respond with accuracy to the resolution. He finds that corrupt methods or practices were used or employed in the election of Mr. LORIMER and that therefore he was not duly elected to his office.

After giving the whole record the most careful consideration of which I am capable, my conclusion is that the views of the minority are sound with respect to the existence of corruption and that Mr. LORIMER was not legally elected to the office he now holds. Entertaining these opinions, I shall present as briefly as possible my reasons for the belief I have expressed.

The testimony questions the honesty of at least 11 of the members of the Illinois General Assembly; but, in the first instance at least, I shall confine myself to the seven, who, if they are not more guilty than the others, are more conspicuous in this record—Browne, Broderick, Wilson, White, Link, Beckemeyer, and Holstlaw. These men voted for Mr. LORIMER; and if their votes were corrupt under the law, as I will show it to be, Mr. LORIMER has no title to the seat he occupies.

I ask your attention to three inquiries: First, was money paid to White at Springfield, Chicago, and St. Louis; to Link and Beckemeyer at St. Louis; and to Holstlaw at Chicago? Second, if money was paid, who paid it? Third, if money was paid to these men, what was it paid for? The conclusion of the chairman of the committee and others seems to be that these men received no money, and therefore no money was paid, and therefore no voters were corrupted.

The theory of the committee and those who have spoken for it since the report was filed is that White conceived the plan of extorting money from Mr. LORIMER, and, failing in that, fabricated a story and sold it to the highest bidder. I desire that the attention of the Senate shall be firmly fastened upon the theory—and there can be no other—which is announced by the committee and its members. A moment's reflection must convince men of experience and observation that it is not within the power of the human mind to fabricate the story told by Mr. White and make it harmonize with the events through which it runs.

I do not desire to be understood as standing as an apologist for, much less a defender of, Mr. White. Unfortunately, when crimes of the character we are now considering and investigating are made public, they must be made public through men who have participated in them. It is impossible to summon men of high degree, men of spotless and stainless lives to prove the existence of the crime of bribery. There never was an instance in the history of mankind in which this offense has not been proved, if established by direct testimony, by the men, or some of the men, who were guilty of the offense.

I repeat, and I draw this conclusion from an experience of 25 years spent almost constantly in the trial of cases, that it is not within the wit of man, however intellectual, to fabricate a story that touches so many men, so many circumstances, so many events as are touched by the story of Mr. White, and fail to see it overthrown and demolished by events, circumstances, and facts which are established by undisputed testimony. With this thought in mind, I desire for a moment to consider some of the striking characteristics of Mr. White's story.

First, remember that this fabrication, if it occurred at all, occurred some time in the fall, rather early in the fall, of 1909. It was conceived by Mr. White, if at all, before he wrote the letter to Mr. LORIMER which has appeared in the testimony, and upon which it is said that Mr. White must be convicted as a blackmailer. Holding this relation of events in mind, I beg to suggest, first, that White had no communication with Link, Beckemeyer, Shephard, Luke, or Clark before he approached Mr. LORIMER with his evil design of extorting money from him as the price of silence; second, it involved a meeting with Browne in Chicago and a knowledge of Browne's meeting at St. Louis with his followers some time in June; and it will be recalled that Mr. White was not present at the meeting in St. Louis in June, and yet the fabrication or manufacture of this conspiracy involved on his part the knowledge that he met Mr. Browne in Chicago in June, that Mr. Browne had communicated to him the information that he was shortly to visit St. Louis, and that the southern Illinois members who had been followers of Mr. Browne were to meet him there; third, it involved the illness of Mr. Browne and the consequent meeting at St. Louis in July of Mr. Wilson, who was sent on behalf of Mr. Browne, with White, Link, Beckemeyer, Clark, Shephard, and Luke; fourth, it involved the correspondence between White and Browne and between White and Wilson.

I reiterate that it is not within the scope of the human intellect to fabricate a story of detail, touching so many men, so many things, so many events, that would not be destroyed by unquestioned facts and circumstances whenever opened up to full and complete investigation.

Let us bring this story of infamy to the test. I agree that it is a story of infamy. If this were a question of censuring or denouncing or convicting Mr. White of practices which should exclude him forever from the company not only of honest men, but of civilized men, I would at once agree that the judgment of the Senate upon such a question must be unanimous. But let us bring the story to the test, to see whether White did or did not get money from Browne and Wilson.

I do not intend to repeat the history of these transactions at any very great length. It would be impossible for me to deepen the impression first created by the junior Senator from Idaho [Mr. BORAH], intensified by the complete and comprehensive review of all the evidence by the junior Senator from South Dakota [Mr. CRAWFORD], and amplified by the discussion of the Senator from Oklahoma [Mr. OWEN].

But I will gather together some of the threads of all of these discussions and bind them, if I can, into a complete whole.

First, White did write to Browne. Browne did reply about a meeting in Chicago. Senators will recall this correspondence. (Rec., p. 53.) Senators will also recall how very shortly after the adjournment of the legislature Mr. White wrote to Mr. Browne, suggesting a meeting in Chicago, and Mr. Browne very promptly responded; and Mr. White has not been able to change the character of the response or the fact that it was made, and I beg the attention of the Senate for a moment while I read from this letter:

MY DEAR CHARLIE——

My mind ran back to this letter when I heard the eulogy pronounced upon Mr. Browne in this Chamber yesterday and the denunciation launched against Mr. White, and I wondered whether the Senator from Kentucky [Mr. PAYNTER] had this letter in mind in differentiating so widely the character of Mr. White and the character of Mr. Browne.

MY DEAR CHARLIE: I did not get home until the night of Monday, June 7, when I found your letter awaiting me. I wish you had

spoken to me of the matters contained in your letter before we left Springfield. It would have been comparatively easy for me at that time to have advised with you personally and properly. It is far more difficult now, and I would hardly know what to say to you without seeing you personally.

Any ordinary business transaction, or even any ordinary social transaction, it seems to me, might very well have been committed to correspondence. He says further:

In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you some time within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to, and suggest anything that may be appropriate and proper. You know where I stand, old man, and that I will go my length for you. Should you find it necessary to see me before the end of the next two weeks, you had better arrange to come to Chicago and meet me there. However, as matters stand, and in the way that I am tied up with business matters now, I would prefer to put off the meeting for the length of time I have stated. I want you to feel and realize that I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you at any time. My best regards to you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

Again, a little later, four days later, he wrote to Mr. White. This is the record, page 53:

Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But, Charlie, I will be in Chicago Tuesday or Wednesday (and this is under your hat, though, for I do not want to be bothered by every job hunter in Chicago). If you can wait I'll do my best to see you. I'll be at the Briggs when there.

Far be it from me to claim that there is here any confession that Mr. Browne had bribed Mr. White. But what I do claim for it is that it is exactly in harmony with Mr. White's story, and it betrays a feeling that would naturally exist if it were understood that shortly Mr. Browne was to pay Mr. White some part of the compensation which he had earned in voting for Mr. LORIMER. I adduce it as one of the corroborating circumstances, and it can not be denied that at least it is in absolute accord with Mr. White's narration of events.

Second. White did meet Browne in Chicago on the 16th day of June. White says the money was paid. Browne says no money was paid. But I have a suggestion to make with regard to the character of Mr. Browne's denial of Mr. White's statement, which arises, I think, fairly out of the evidence of Mr. Browne. I refer to the record, page 644. This is a question put to Mr. Browne:

Where did you meet him then?—A. In the lobby of the Briggs House there are two large posts or pillars; I met him in front of the front one, toward the front door, out quite a ways from the desk and really way out toward the front door.

Q. On the 17th of June, 1909, at the Briggs House, or any place else—

Now, listen—

did you give to Charles A. White $850 in $50 bills or in any other denomination and say to him, "Here is the balance of your Lorimer money?"—A. Absolutely, no.

I do not know whether or not this question was put carefully and skillfully and answered as carefully and skillfully, but I do know that if Mr. Browne had been wanting to give a seeming denial and yet to shield himself behind some qualification in the question, and which also appeared in the answer, the question would have been put exactly as I have read it.

Mr. Browne was not asked to deny the fact alleged by Mr. White that he had paid him $850 in $50 bills, or any other denomination, but he was asked whether he had paid him this money and at the same time had said to Mr. White: "Here is the balance of your Lorimer money," and if Mr. Browne was willing to swear that he did not utter these words to Mr. White at the time he could have truthfully answered the question put to him in the way it is found in the record without denying that the money passed beween the two men.

I would have supposed that the words "Here is the balance of your Lorimer money" would have been omitted in the next question. But no; the question is:

Q. Did you say that at any place or at any time—did you give him that amount of money or any other amount of money at that place or any other place at any time and say, "This is the balance of your Lorimer money?"

The answer is the same:

Absolutely no.

The meeting in Chicago is exactly in harmony with Mr. White's story. The only thing that is not in harmony with it is Mr. Browne's denial that he paid him the money at that time and place, accompanying it with the words "Here is a part of the Lorimer money."

But my proposition, you will remember, is that there is nothing in the undisputed facts and circumstances throughout the whole series of events that conflicts with or overturns the statement of Mr. White.

Third, Mr. White says that Mr. Browne told him he was going to St. Louis in a few days to pay off the southern Illinois members. This statement is found in the record, page 55. Mr. Browne, as I remember it, does not say whether he told Mr. White so or not. That is, he does not say whether he told him he was going to St. Louis or not. Inferentially, of course, he denies that he told him that he was going to St. Louis to pay off the southern Illinois members. But what I desire to bring to the attention of the Senate is that the fact that Browne did intend to go to St. Louis shortly after the meeting in Chicago, that he did go to St. Louis, and that he did meet all or part of the southern Illinois members there, is undisputed, uncontradicted, and it is also in entire harmony with, and, as I think, in corroboration of, all the statements made by Mr. White.

[At this point Mr. CUMMINS yielded for an executive session.]

Friday, January 27, 1911.

Mr. CUMMINS. Mr. President, I will recapitulate sufficiently to preserve the continuity of my argument.

Before surrendering the floor yesterday, I had stated that it seemed to be the theory of those Senators, members of the Committee on Privileges and Elections, who had spoken, that Mr. White had early in the fall of 1909 conceived the idea of blackmailing Mr. LORIMER or of disposing of his story elsewhere, and had fabricated or concocted the story which he afterwards gave to the newspapers and still afterwards gave to the committee. I had stated that it was not within the power of the human mind to fabricate a story such as is before the Senate from Mr. White without finding it completely overwhelmed by the undisputed facts and circumstances, for the reason that it touched so great a number of events, it involved so large a number of persons, and continued through so considerable a space of time.

I had called to the attention of the Senate the things that were involved in Mr. White's story, so far as the story relates to other persons. I reproduce that part of my argument, in order that it may be fully understood and appreciated at this time.

First, it will be remembered that White, so far as this testimony shows, had no communication of any kind with any of the persons involved in this transaction after he is alleged to have conceived this story and before his first communication with Mr. LORIMER, when it must be assumed that the story had taken on full and complete proportions, and therefore it was necessary for him to have devised his story of shame and crime, with all its attending circumstances and incidents, without having been fortified or advised by any other person connected with it.

It involved, as I said, the meeting of Browne in Chicago, a knowledge of Browne's meeting at St. Louis with Browne's followers in southern Illinois in June, at which White was not present. It involved the illness of Mr. Browne and the consequent meeting in St. Louis in July of Mr. Wilson with the southern Illinois members and followers of Mr. Browne. It involved the correspondence, and all the correspondence, between White and Browne and between White and Wilson and between Wilson and the other members of the legislature from southern Illinois.

If the letter which I read yesterday to the Senate does not establish a guilty purpose, a criminal design, it is in entire harmony with the shameful experience which Browne and White had passed through at Springfield, and which, as it seems to me, clearly corroborates the proposition that they were about to meet in Chicago for some purpose that required a personal communication and a personal confidence that could not be disclosed in correspondence.

I called to your attention the fact that White did meet Browne in Chicago on the 16th day of June. There is no dispute about it. Then comes the contradiction between Browne and White. White says the money was paid. Browne says it was not paid. But the opportunity to pay it and the arrangements which led up to the opportunity are not only not in conflict with White's story, but they are corroborative of it. I had said again that Browne had told White that there was a meeting to be shortly held in St. Louis.

I had not mentioned what seems to me to be one of the most persuasive circumstances in all this story. White says that Browne told him that he was about to visit St. Louis for the purpose of paying the other southern Illinois members of the legislature their share in the Lorimer money. Browne does not deny that he told White that he was going to St. Louis. He does not deny that he made arrangements, either by a telegram or letter, for these members from southern Illinois to meet him in St. Louis. But he says that he went there to arrange for

future political maneuvers and campaigns, and to keep in touch with these men who had supported him so loyally and so implicitly during the previous session of the legislature.

Let it be remembered that this was within a few days after the adjournment of the legislature, as I remember it considerably less than a month after the adjournment of the legislature, where he had been in constant communication with them every day. There was no campaign imminent at that time in Illinois. It seems to me that the suggestion that Mr. Browne was going there at that time to see these men to arrange for some future work which he was to do in common with them is preposterous; it can not command belief. There is not a Senator here who in his heart believes that Mr. Browne has given the true reason for the meeting in St. Louis. If it was not for the payment of money to those who had earned it by corruptly voting for Mr. LORIMER, then it was for some other purpose than the one recited or stated by Mr. Browne, and I ask those who defend Mr. Browne here or those who insist that Mr. White is not relating the truth substantially, to imagine if they can what reason took Mr. Browne to St. Louis at that time.

At any rate this is in exact harmony with Mr. White's story. Mr. Browne did go to St. Louis and, as I remember it, reached there on the 21st day of June. I may be wrong about the date, but I think that is the date. He went there, as he declared, for the purpose of having a general good time with these companions of his and of arranging for the future welfare of the State of Illinois. He expected to be with them, or at least he expected to be in St. Louis for two or three days in order to enjoy himself among the opportunities that St. Louis affords for Mr. Browne and his kind, or to continue the arrangement for future legislation.

What happened? Mr. Browne reached there in the morning. He saw these men. There is some dispute, I think, as to just who were there, but, broadly speaking, with the exception of Mr. White, he saw these men there in the Southern Hotel. He completed his business, and he left St. Louis on the same day. My recollection is that he left there at either 12 o'clock or 6 o'clock—I can not just recall which hour. The Senator from South Dakota may be able to supply my memory upon that point.

Mr. CRAWFORD. My recollection is that it was early in the afternoon.

Mr. CUMMINS. Yes; some time in the early afternoon, anyway. He left at a time and under circumstances that are contradictory of the purpose which he imputes to himself for the visit, but he left there at a time and under circumstances that are in exact harmony with the purpose of the visit as stated by Mr. White and as indicated by Mr. Browne to Mr. White when they were in Chicago.

Link says that at this meeting Browne paid him $1,000; Beckemeyer says at this meeting Browne paid him $1,000. It may be that when Mr. White is alleged to have concocted this story, very early in the fall of 1909, he did not know what had happened between Mr. Browne and Mr. Link and Mr. Beckemeyer at St. Louis on the 21st of June. If he knew anything about it at all he did not know what had transpired through either Mr. Link or Mr. Beckemeyer, but whatever information he had must have come from Mr. Browne himself during their subsequent intimacies and subsequent journeys which occurred prior to September, 1909. This is indubitable evidence that Mr. White did not and could not have fabricated the story of bribery and of corruption.

There is another instance which I desire to bring to the attention of the Senate. It is wonderful how attempts to manufacture testimony, to create theories, will inevitably collide somewhere along the path of their execution with undisputed facts which are established beyond any controversy whatsoever. Mr. Browne and his associates were attempting to deny the story that White told with regard to the meeting with Browne in Chicago in June, and they therefore not only introduced the denial of Mr. Browne himself, but they brought forward the story of a man named Simmons, whose whole testimony is reeking, as I believe, with falsehood; whose whole story is so incredible and improbable that no reasonable mind can accept it. But I want you to mark one of the fatal missteps made by Mr. Browne and Mr. Simmons, who corroborates him in this respect.

These gentlemen both say that in the lobby or the hotel office at Chicago Mr. White called Mr. Browne aside and asked him for some money. Therefore, I assume that, even upon their own theory, Mr. White had no money. We know the habits of his life well enough through the testimony to easily believe that in riotous living he quickly squandered whatever money came into his possession. They say, however, that Mr. Browne said: "I have not very much money, but I can let you have $25 or $30," or something like that, and that Mr. Browne thereupon loaned Mr. White the money. It appears, however, that immediately after the June meeting in Chicago Mr. White did have $800. Where did he get it? He had been plainly without money before that time, according to the theory of the committee. He was endeavoring in every way he could, as it is alleged by members of the committee, to borrow money or to get money in some way or other before that time.

But immediately after the 16th of June, upon his arrival at home, he had $800 in money, because, according to the conceded evidence—there is no denial of it whatsoever—he deposited $800 in an establishment in East St. Louis. The evidence is adduced from a man who took White to the depository itself and who saw enough of the transaction to know that there was being deposited there an envelope which purported to contain $800, and he saw enough of the contents of the envelope to satisfy himself that there was at least a large sum of money in bills of large denominations. Answer me the question, if you can, Where did Mr. White get the $800 which he is shown to have had at that time? Then Mr. White, after paying some belated bills, starts off for the South on a trip of pleasure, upon which it may be very well believed that he spent the remainder of the payment made to him in Chicago.

Again, Wilson did, on July 14, telegraph White to meet him at the Southern Hotel at St. Louis on July 15. White did meet him there, and there were present, in one way or another, Link, Beckemeyer, Shephard, Luke, and Clark. Here we have another marvelous coincidence, if the story of Mr. White is a fabrication. White, Link, and Beckemeyer each swear that $900 was paid to them on this occasion and that it was paid to them in a way, surrounded by such secrecy, covered by such manipulation, as to give every evidence that it was the consideration for some corrupt bargain or action.

It is unquestioned that after all the spoils had been thus divided—I will come presently to the testimony of Link and Beckemeyer—Browne and White joined each other in a series of joyous trips, which to me seem like the shameful celebration of a dangerous, though a profitable, enterprise. It is not denied that in August of the same year, after White had received his money in St. Louis, he joined Mr. Browne in Chicago and entered upon a career which, although but faintly outlined in the testimony, I think can well be imagined from what is there set forth. How does the committee reconcile this intimacy between Mr. Browne and Mr. White? How can it be believed that, unless Mr. White had received his unlawful gains in the manner in which he described, he could have joined Mr. Browne and his other companions upon these journeys? There is here again positive, unquestionable corroboration of Mr. White's story with regard to his experiences in the legislature.

With what I have now related, there closes one chapter in this history of crime, and there is not a single undisputed or established incident in it that is not in absolute harmony with White's story. I repeat it so that the full effect of what I have said may not be misunderstood. There are a great many contradictions in the evidence. There is much to impeach many witnesses in it, but I assert, without any fear whatsoever of contradiction, that there is not one single undisputed item of testimony in this record that is not in perfect harmony with the story told by Mr. White. There is direct denial of Mr. White's testimony by various witnesses, but I recur to my original proposition, that it was not only not within Mr. White's power—whose mentality is not shown to be very great and whose intellectual training had not been very complete—I go beyond this and I say it is not in the power of any man to create a story of this character and make it harmonize with all the events and facts that are established without contradiction. Somewhere along this journey of falsehood, if it were falsehood, the story would collide inevitably and collide fatally with some fact which does not depend for its establishment upon the memory of a witness. Not only so, but, taken together, it furnishes conclusive corroboration of these vital charges. Nevertheless, it is insisted that White wove this gloomy fabric of vice from the threads of his imagination.

For a moment I inquire into the testimony with respect to the contradictions of Mr. White. First. We have the direct evidence of Browne and Wilson; but when they overcome White in their denials, they must also, to be successful, overcome Link and Beckemeyer, for they dispute their testimony just as completely and as fully as they dispute the testimony of Mr. White.

Second. The Yarborough incident is alleged as a contradiction of Mr. White, and so it is. It is a contradiction of Mr. White in one immaterial respect, as was so fully and convincingly pointed out by the Senator from South Dakota [Mr. CRAWFORD]. White said that upon the evening of the 24th of

May, when Mr. Browne came to his room, that the two Yarboroughs were in bed there. The evidence, if it is to be accepted, tends to show that one of the Yarboroughs was in Chicago at that time. I do not know whether this one was in Chicago or not, but it seems to me strange that, if the committee wanted further information upon that subject, it did not call before it one or both of these men. They were, I assume, in Illinois. I do not know, but I assume that they were, because there was no effort, so far as the record shows, to find them, and when last known they were in Illinois. But if this were a material point at all—which I, of course, do not believe—and if it were intended in this way to impeach the statement of Mr. White, why did not the committee call the Yarboroughs and find out whether they were both in Springfield that night or whether one of them was in Chicago and one of them in Springfield? It would make no difference with regard to the credibility of Mr. White's testimony if one of them was in Chicago. It would simply prove what every lawyer here has seen proved a hundred times—that in some immaterial point a witness may not remember with accuracy the transaction. Every one of us has discovered this in the prosecution of our profession; but it is not right or fair for the committee to give any weight whatsoever to this contradiction, in view of the fact that it did not attempt to ascertain from these men the truth or the falsity of Mr. White's testimony in that regard. I do not accept what may be urged by the committee, that the prosecution of this case was in the hands of the counsel for the Chicago Tribune, and that it was under no obligation to call any witness who was not asked for by the counsel for the Tribune.

The committee did very wisely in accepting the help of both counsel for the Tribune and counsel for Mr. LORIMER, but these gentlemen were mere aids to the committee, and they ought not to have been allowed to circumscribe the field of testimony.

As I remember it, in one instance, as stated here the other day, a witness was called who was not suggested by either counsel for the Tribune or counsel for Mr. LORIMER, and if I mistake not, the name of the witness so called is Edward Shurtleff, the speaker of the house of representatives. If I am wrong with regard to that, I have no doubt I will be corrected before the discussion proceeds further.

The third impeachment of Mr. White comes from the young lady in East St. Louis, who is commonly known in this record as the cigar girl. I agree with the Senator from South Dakota [Mr. CRAWFORD] that instead of being a contradiction of the story told by Mr. White, it is a corroboration of his story of corruption.

It not only clearly establishes the fact, which we might assume without any further evidence than the evidence of bribery itself, that Mr. White was an abandoned man, ready to sell his vote at any time, ready to sell his honor to any person and for any cause. He related to this young lady a project, so it is declared, that he had in view of making these men, or some of them, whom he believed to be guilty of wrongdoing contribute to his wants or else submit to exposure. That is all. It is the most natural thing in the world. Knowing White as we do, there is nothing extraordinary in the course he has pursued. It is not unusual for one who has participated in a transaction of this sort to attempt to make merchandise of his knowledge and extort money from those who have been in complicity with him as the price of his silence. The world is full of incidents of that kind.

Fourth. The testimony of Rossell, adverted to very fully by the Senator from Kentucky [Mr. PAYNTER]. I will not stop to read it, for it is almost like the evidence of the young lady from East St. Louis, simply reveals upon White's part—a disclosure made probably when he was under the influence of liquor—a purpose to expose the men with whom he had been connected in politics, and to make money out of the exposure if he could. I repeat that there is nothing there that is in the slightest degree contradictory of White's statement, that he did sell his vote and that these men bought it, and that certain other men were connected with him in the transaction.

Fifth. The testimony of Doyle and Curran. The testimony of both of these men—and I believe they are both reputable men—to my mind furnishes one of the most important links in this chain which binds Browne and White together in as corrupt a scheme as was ever devised by the human mind. They say, substantially, that Mr. White sought to sell his vote to them or for the cause in which they were engaged; that he wanted one of them to so manipulate affairs with regard to a bill that was pending before the Legislature of Illinois, involving the interests of labor, as to obstruct its passage until he received compensation for his vote upon it. That is the substance of it.

That is precisely what he did with regard to his vote for Mr. LORIMER, and why should he not have done it with regard to his votes for other measures or other men? The truth is that if this testimony, together with the admissions which accompany it here upon the floor, establishes anything, it is that there were a body of men in the Illinois Legislature without sense of honor, without a vestige of integrity, who were there for the purpose of forwarding such legislation as would pay them for being forwarded, and of obstructing such legislation as certain interests desired to obstruct and were willing to pay for the obstacles put in the way. This is what is known in the record as the jack-pot combination.

I do not know that all the Senators upon the committee who investigated this matter are satisfied that there was in this legislature just that kind of an arrangement, but one of the Senators of the committee, the senior Senator from South Dakota [Mr. GAMBLE], stated it so positively, so emphatically, and it so accords with everything that is to be inferred from the record, that I think we must go on upon the hypothesis that there was in the legislature just such a gang of boodlers as has been described and that the leader of this infamous company was the man Lee O'Neil Browne. I pass therefore from that alleged contradiction.

The next contradiction comes from Stermer and Zentner. Stermer, you will remember, was the companion of Mr. Browne and Mr. White upon these visits across the lake; visits which consumed a large part of these profits, not only from the ordinary jack pot, but from the election of Mr. LORIMER as well. They say, and this is the only materiality of their testimony, that one day after Mr. White and Mr. Browne had come back from one of these trips, White was drunk, as usual, and that he said to them, after reciting what he was going to do, that they then immediately asked him whether he was going to turn against his friends, and then asked him whether he had anything on them, and he said, "No; I have nothing on them, but I am out for what is in it for White."

I do not believe a word of that evidence, for two reasons. In the first place the testimony shows that it was repeated word for word without variation by the two men. More than that, it was repeated word for word before the committee as it was given at one of the trials of Mr. Browne on his indictment for bribery. Every man here knows that that can not be honestly done. It has been attempted a great many times. I have seen it attempted a great many times, and I never saw it succeed.

But another reason is that no matter whether Mr. White had any relations with Mr. LORIMER personally or not, everything tends to show that he was on complete terms of friendship and intimacy, even beyond that which is commonly seen, with Mr. Browne. It is incredible that a man holding the relations toward Mr. Browne that were held by Mr. White would say to two men, who were also friends of Mr. Browne and of whom he might well expect that his statement would be immediately transmitted to Mr. Browne that he intended, without any cause or reason whatsoever, to fabricate a story that would convict his friend Browne of the crime of bribery.

I do not believe their statements, nor do I believe the statements of Mr. Simmons, to which I have already referred, and I will not recur to it.

I intended to go over the correspondence between Mr. Browne and Mr. White, but I shall omit that. It is quite true that after this journey in August, Mr. White, having squandered his money in vice and dissipation, and being in need of money, began to borrow money, or try to borrow money, of Mr. Browne; and he was very insistent upon it, and he did succeed in borrowing some money of Mr. Browne.

Now, I ask you whether that is consistent or inconsistent with Mr. White's story? You will remember that the transaction had been closed. White had received all the money that it had been agreed he should receive. Browne did not owe him anything. With the honor that is supposed to exist among thieves Browne had made full accounting to him for the money, and thereupon, being bankrupt, White began to appeal to Mr. Browne for small sums of money, and he did get from him some small sums of money. While I shall not undertake to go over these letters I only insist that, instead of being contradictory of Mr. White's general statements, they are corroborative of them.

Then comes the letter to Mr. LORIMER.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. Yes.

Mr. OVERMAN. What was the length of time that elapsed between the time he was paid the money and the time he was writing to Browne to borrow money?

Mr. CUMMINS. As I remember it, Mr. White got a little money in Springfield—$100—and he spent that before he got to Chicago. He came to Chicago in June, about the 15th day of June, and Browne gave him $50, and he went right out and spent that, apparently, and the next day Browne paid him $850. White went down to East St. Louis and deposited it, and afterwards drew it out and paid some of his debts and went on this trip to the South. He then came back, and there followed the meeting with Wilson in St. Louis on the 21st of June, when he got $900 more, and then followed this long career of high living in Chicago and across the Lakes. So that when he came back from that journey it appeared that he had not any money left, and he was, as he might well have been supposed to be, again upon the mercies of his friends; and it was then, we will say, two or three weeks after he came back from that journey, that he began to try to borrow money from Mr. Browne. As I remember the incident, and after he had gotten some money from Mr. Browne, he then tried to get an office, an appointment, and Mr. Browne did everything in his power to get him the appointment. He interceded with Mr. LORIMER, and Mr. LORIMER arranged for an appointment in Chicago at $75 per month. But by that time it was evident that Mr. White had come to the conclusion that instead of taking as the pay for his silence an employment of $75 per month he would strike for a higher prize, and then followed the letter to Mr. LORIMER, in which he suggested that he had in preparation the recital of his experiences in the legislature, and wanting to know whether it was worth anything to him.

Then came the endeavor on the part of White to sell his story to the magazines, which met with failure, and then followed his negotiations with the Tribune; and, mark you, it appears that when he sold his story to the Tribune, the paper would not publish it until it had made as complete an investigation of its truth as it was possible for the paper to make. A most reasonable course, because every word that was uttered in the story was a libel, subjecting the Tribune not only to a suit for damages, but to prosecution for a crime, and therefore the Tribune started out with Mr. White, in order to interview the men Mr. White had brought into the story. Mark what followed. The very moment that occurred, these men in the southern part of Illinois began to bestir themselves in order to provide against this exposure, and it was then that Mr. Clark and Mr. Wilson came into the play again to interview these men who were charged with having taken money from Mr. Browne and Mr. Wilson, and you will recall the fact that the testimony shows, by at least one witness, that it was at first determined that Mr. Wilson's visit to St. Louis in July should be explained by an imaginary desire to get up a banquet in celebration of Mr. Browne's leadership in the previous session.

In accordance with that understanding, had between Wilson and Clark and some of these men—I do not say how many, because the testimony is not clear upon that subject—Mr. Wilson wrote a letter to some or all of them, antedating it just one year or nearly a year, calling them to St. Louis for the 15th of July, and suggesting that the reason for the meeting was that it was desirable to consider the proposition of preparing a banquet for Mr. Browne.

Tell me, if you can, why innocent men resorted to any such subterfuge as that in order to prepare a defense that they knew they must shortly make. That is the manufactured testimony in this case. So far as the undisputed facts are concerned that is the event which was created out of the imagination of men, and it reflects a good deal of light upon the purpose of Mr. Browne's visit to St. Louis in June.

There is not a Senator here who will believe that the purpose of the visit of Mr. Wilson to St. Louis in July was to arrange with these gentlemen for a banquet to Mr. Browne. I can not conceive of that kind of mind which can reach any such conclusion. If these men were preparing a false reason for the meeting in St. Louis in July it is not difficult to believe that Mr. Browne gave a false reason for the meeting in St. Louis in June. Mr. Browne, indeed, is shown by his own testimony, as I remember it, to have been consulted with regard to this banquet in St. Louis. He gave, as the testimony shows, his rather reluctant assent to the proposal that there should be held a banquet in his honor. But when you have ascertained from the other evidence in the case, which I think is absolutely undisputed, that there never was any proposal to give him a banquet for his work in the legislature, and that this idea was created nearly a year later and put into a letter in order that there might be physical evidence of the reason for the visit in June, Mr. Browne's evidence upon the point, it seems to me, is absolutely and completely destroyed.

I come now to Link and Beckemeyer, and I shall be very brief with them. The theory of the committee is that they swore to a lie to escape prosecution. Link was indicted; Beckemeyer was not indicted. I rose the other day to ask a question of the Senator from Kentucky simply to correct a mistake that he made in his statement, an unintentional mistake, and which I think he has since corrected in the RECORD itself. But I correct it now so that it may be in the memory of Senators here. The Senator from Kentucky stated that Mr. Beckemeyer was indicted. He was not, but he was threatened with an indictment. Mr. Link was indicted, and it is the theory of the committee now that Link and Beckemeyer testified falsely with regard to this transaction in order to escape punishment or to escape conviction upon an indictment charging them with perjury or threatening to indict them for the crime of perjury.

Let us examine the matter. I think of all the tenuous and inadmissible theories that ever appeared in the investigation of a question of fact this is the most tenuous and the least defensible. Now, remember that Link is as unwilling a witness as ever appeared before either a court or an investigating committee. He yielded to this committee the least that he could possibly yield and stand by the confession that he had already made. Beckemeyer was not so hostile to the committee or to the prosecution, but it can not be said of Beckemeyer that he was an anxious or a willing witness, and he too shielded himself in just so far as he could by his testimony.

Mr. Link came before the grand jury at Chicago and testified positively, unequivocally, that he was not in St. Louis at these times; that he did not meet Mr. Wilson there, and the grand jury indicted him for that statement under oath. The district attorney knew that it was false because he had positive evidence that Mr. Link was in St. Louis, and that he did meet Mr. Wilson, and therefore he was indicted for that perjury. He was not indicted for the statement that his vote was not bought by Mr. Browne.

Thereupon the district attorney undertook, through methods that are disclosed by the evidence of Mr. Wayman as well as the evidence of Mr. Link, to secure from Mr. Link what? The admission of the truth, the truth as Mr. Link now declares it to be and as everybody knows it to be. That was the only force which the office of the district attorney brought to bear upon Mr. Link, and what he did with regard to Mr. Link he did also with regard to Mr. Beckemeyer. They were not asked to admit anything that every man in this Chamber, when the vote is finally taken, will not admit to be the truth, namely, that these two men did meet at St. Louis with Mr. Wilson upon a certain day.

I was somewhat surprised at the argument of the Senator from Kentucky [Mr. PAYNTER]. He read at very great length from the evidence of Mr. Shephard. Mr. Shephard also testified before the grand jury, and Mr. Shephard was also under the surveillance, for a time at least, of the office of the district attorney. He gives a lurid account of what has been called here the "third degree," an account which arouses instinctively our condemnation.

I admit that if what Mr. Shephard—and I will connect him with Mr. Beckemeyer in a minute—if what Mr. Shephard says of the conduct of Mr. Arnold, the assistant district attorney at Chicago, is true, then Mr. Arnold is to be censured, not for the object that he had in view, but for the method which he employed in reaching his object. But I do not believe Mr. Shephard in this respect, and I should like to ask another question of the members of the committee which conducted this investigation.

Mr. Arnold was in Chicago at the time of the investigation, I assume. I assume that he was still at that time assistant district attorney. If the committee regards the evidence of Mr. Shephard or of Mr. Link or of Mr. Beckemeyer either, in so far as Arnold is concerned, of any materiality whatever, if it seeks to bring the Senate to a conclusion upon this case in any measure upon the evidence of these gentlemen with regard to the threats or the intimidation uttered or practiced by Mr. Arnold, why did not the committee call Mr. Arnold before it? It was seeking the truth. It was not for Mr. LORIMER or against Mr. LORIMER. The Tribune was against Mr. LORIMER. Mr. LORIMER was for himself; but the committee was for the country, and had no other purpose, I am sure, and could have had no other object, than to lay before the Senate the exact truth with respect to this matter.

There may be some reason, and I will not therefore reach a judgment in advance, why the committee did not call Mr. Arnold to either corroborate or to deny these statements made

by Mr. Shephard. If there is a reason, I await with some impatience its disclosure in this body.

It will be remembered that Mr. Arnold and Mr. Marshall were both assistant district attorneys—Mr. Marshall less connected with this matter than Mr. Arnold, but both in a measure connected with it—and that neither of them was called as a witness in order to ascertain whether the office of the public prosecutor of the State of Illinois resorted to the measures and the methods recited and described by Mr. Shephard. I can not conceive of any reason.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. BAILEY. I was not a member of the subcommittee which conducted this investigation, and I therefore do not feel the same reluctance which members of that commitee would feel in resenting the insinuation, if indeed it is not more than an insinuation, that those gentlemen failed in the full performance of their duty.

I want to remind the Senator from Iowa that the wisdom of all the ages has come to the conclusion that the surest and best way to evolve the truth of any matter is to allow the attorneys representing the respective sides to appear before the tribunal which must try it and each present his own side of the case. If that is a wise and proper proceeding in cases which involve the life and the liberty of a citizen, I do not think it a fair subject of criticism that the subcommittee pursued a procedure like that.

The Senator from Iowa can not be unmindful of the fact that the petitioner, or the man who made the affidavit first presented to the Senate, appeared before that subcommittee according to the record and asked that the attorney for the Chicago Tribune might be permitted to appear. In compliance with that request the subcommittee did permit that counsel to appear, and very properly, as I think, permitted counsel for Senator LORIMER to appear, and it was fair to presume that with these two contending parties, each deeply interested in making out its own case, the committee would hear all that could be said.

In reply to the special question which the Senator from Iowa now discusses, I suggest that as the prosecuting attorney, Mr. Wayman, went on the stand to deny some things which had been alleged against him, his assistant might easily have done the same if he had chosen to do it.

Mr. CUMMINS. Mr. President, of course no one could possibly draw the inference from anything that I have said that I have any doubt whatsoever with regard to the integrity of purpose on the part of the committee. I began my discussion of this matter with that statement and I reiterate it now. I feel, however, a perfect liberty to point out mistakes that were made by the committee, just as we point out mistakes every day here that are made by Members of this body. The mistake which the committee made, although the Senator from Texas does not believe it to have been a mistake, and, concerning that, there may be a difference of opinion, was to assume that either of these attorneys could circumscribe this investigation.

I do not accord with the view just suggested by the Senator from Texas that it is in all cases wise to submit such a controversy as this to either the counsel who may have been instrumental in bringing forward the charges or to counsel who may be employed to defend against the charges. I think that if any fact or any witness came to the knowledge of the committee, which fact or which witness could shed any light on the issue in behalf of Mr. LORIMER, it was due to Mr. LORIMER to adduce the fact and to bring in the witness.

The public concerns are too great to submit in controversies like this the whole conduct of the investigation to private counsel, just as I believe it was the duty of the committee, if there was a witness who knew something about a material point concerning which the committee had received testimony, to bring in that witness, and this without the slightest imputation upon the absolute sincerity and high integrity of the members of the committee themselves. I differ from it, as I stated originally, with regard to its attitude toward this investigation.

If I am wrong with regard to that statement, then, of course, the argument which I am now making goes for nothing, because it is, of course, conceded that the counsel for the Chicago Tribune could have subpœnaed Mr. Arnold and did not.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. BAILEY. Mr. President, I thoroughly agree with the Senator from Iowa that counsel on either side, indeed the counsel on both sides, could not control the course of the investigation. My only suggestion was—and I made that in defense of the subcommittee—that they had pursued in this investigation the policy which the history of centuries has established as the safest way of evolving the truth.

I want to say again, in reply to this particular criticism, that, if I had been a member of the subcommittee, I would have assumed that an officer of the law, whose conduct had thus been impeached under oath by a member of the legislature of his State, would have thought it worth his while to have appeared and denied the charge if it were not true, and even if the subcommittee had permitted no attorneys to appear, the testimony being given, and the party against whom it weighed most heavily not deeming it necessary and proper to appear, I would have taken it for granted that the testimony was true.

Mr. CUMMINS. But it still remains, Mr. President, that upon a point which the Senator from Kentucky [Mr. PAYNTER] believes to be material, the witnesses at hand, who could have either corroborated or contradicted the evidence of Mr. Shephard, were not produced; and in view of Mr. Wayman's very clear statement with regard to the matter in which he was concerned, I can not doubt that, had Mr. Arnold appeared before the committee, his relation toward these witnesses would have appeared substantially as was the relation of Mr. Wayman toward the witnesses with whom he came in contact.

I have but a word to say with regard to Mr. Holstlaw. Senator Holstlaw testified that he came to Chicago at the instance of Senator Broderick, went to his saloon, was there paid $2,500; and one of the remarkable things about it is that at the very time that Browne was paying White $850 in the Briggs House in Chicago, Broderick was paying Holstlaw $2,500 in his saloon on the West Side. I will not review that testimony, because it has been so completely analyzed that I can add nothing to what has already been said; but with all the corroboration which attends Mr. Holstlaw, namely, his visit to Chicago, his deposit of $2,500 in bank, which is not disputed at all, and the only suggestion that the Senator from Kentucky can make is that Mr. Holstlaw might have received that money from some other source and deposited it in the bank in Chicago, an explanation so unlikely and so improbable that it will not, I think, receive the assent of members of this court.

I pass hastily along to answer, therefore, my first inquiry: Did these four men receive money? I have given to the testimony the most careful, the most reflective examination, and I do not see how any man can arise from a consideration of the whole case without reaching the conclusion that White did get $850 in Chicago; that he did get $900 in St. Louis; that Link and Beckemeyer did get $1,000 in St. Louis in June and did get $900 in St. Louis in July; and that Holstlaw did receive $2,500 in June and $700 in July. If that be true the next inquiry is, From whom did they get it? If the testimony proves satisfactory that they received the money, there is but one answer to that question—they received it from Browne, from Wilson, and from Broderick. The answer to the one inquiry involves the answer to the other; because if there is any testimony to prove that they received the money at all, there is the same testimony to prove that they received it from Browne and Wilson and Broderick.

The third inquiry is, What was the money paid for? And here I take it that it is unnecessary to enter into any close analysis of the words which are alleged to have been used either before the money was paid or at the time it was paid. If these men received this money, they received it in part as a consideration for their cooperation with Mr. Browne and Mr. Broderick in the effort to elect Mr. LORIMER to the Senate of the United States. I think no sane man will doubt that proposition. If he has doubt, it must be with regard to the payment of the money itself.

I now come to a proposition which is found in the report of the committee and with which I can not at all agree. The committee says in its report that, even if it be true—I do not now quote it literally, but paraphrase it—even if it be true that Browne, Broderick, and Wilson paid these men money for their votes for Mr. LORIMER, nevertheless there is no evidence to show that either Browne, Wilson, or Broderick was corrupted in his support of Mr. LORIMER. This is one of the most startling propositions ever made before the Senate or before any other body of men on earth. Given four bribed members of the legislature, bribed by three other members of the legislature—that the votes of the four who were bribed may be corrupt, but that the votes of the three who bribed the four are innocent and clean and honest and fair. I am sure that, while the report contains this conclusion, it will be long before any Senator in his seat will commend that view of the subject.

If Browne corrupted White, Link, and Beckemeyer, is it to be believed that he used his own money in order to secure their

votes for Mr. LORIMER? Are we to sit here and register our conclusions upon any such absurd and ridiculous hypothesis as that Mr. Browne took his own money and paid these men their proportions of it and thus secured their votes for Mr. LORIMER? It is so untenable that I do not think it deserves a moment's consideration.

If these men bribed the four, they had the money with which the bribery was carried out from somebody else, and if they had it from somebody else, even though they had not retained a single penny as it passed through their hands, nevertheless their votes would be corrupted in just the same way and to the same extent as though they had taken it all. I pass that proposition as being so self-evident that no one will dispute it here. and yet the Senator from Kentucky [Mr. PAYNTER] did state, I think, as a conclusion, or as an inference, anyhow, that even though these four men were bribed by the three, nevertheless there was no evidence upon which the votes of the three men could be deducted from the vote cast for Mr. LORIMER.

I come now to the law of this case, but only to that part of the law which was announced first by the Senator from South Dakota [Mr. GAMBLE], supplemented immediately by the Senator from Texas [Mr. BAILEY], and finally reiterated by the Senator from Kentucky [Mr. PAYNTER]. I shall examine the law upon the hypothesis that the evidence establishes the corruption of seven members of the General Assembly of Illinois who voted for Mr. LORIMER. The seven members are Browne, Wilson, Broderick, White, Link, Beckemeyer, and Holstlaw. These are the seven members of the general assembly who are, by an overwhelming preponderance of the evidence, shown to have been corrupted.

I believe that there were four other men corrupted also, and I think it could be fairly found upon this testimony that four additional men were tainted by participation in this transaction; but I long ago learned in my practice as a lawyer that there is no necessity of going further than it is necessary to go. There is no use of examining the testimony with regard to Luke and Shephard and Clark, because, while their guilt may be established, it is not so certain as is the guilt of these other men. I shall examine the law of the matter, therefore, upon the hypothesis that there were seven bribed, corrupt votes cast for Mr. LORIMER in the joint assembly of the Illinois Legislature on the 26th day of May, 1909.

The decision of this particular case is of great moment to the Senate and to the people, but the question whether Mr. LORIMER shall be permitted to retain his seat in the Senate of the United States shrinks into insignificance when compared with the consequences of the rule relating to bribery, first announced in the debate by the senior Senator from South Dakota, approved at once by the junior Senator from Texas, and insisted upon yesterday by the senior Senator from Kentucky. They ask the Senate to solemnly declare that the law of the land is that if it is shown that a certain number of bribed votes were given to the successful candidate in a senatorial election and the persons who cast these votes are identified with the bribed votes, the bribed votes must not only be deducted from the number received by the successful candidate, but also from the total number of votes cast, and that if, upon such a readjustment the candidate has a majority of the remaining votes, he is, under all circumstances, duly and legally elected.

To apply the rule so announced to the present case means this, that conceding that WILLIAM LORIMER received seven corrupted votes, his election was, nevertheless, legal and valid. To apply it more analytically to the controversy before us, it appears thus: There were 202 votes cast in the Joint Assembly of the Illinois Legislature. To elect a Senator it was necessary that one person should receive 102 votes. Mr. LORIMER, in fact, received 108 votes. Deducting the seven corrupted votes from his total leaves him 101; less than a majority of the total number of votes cast. The rule contended for by these Senators requires that these seven votes shall be also deducted from the total number, leaving 195 votes. Inasmuch as 101 votes are a majority of 195 votes, the conclusion of these Senators is that Mr. LORIMER would be fairly and legally elected to the office.

This is the most alarming and dangerous proposition ever made in the Senate of the United States. If it were adopted it would be the most cordial invitation ever extended to dishonesty, crime, and corruption. If it were established it would be the most effective weapon ever forged for the use of the wrongdoer. If we assent to it we proclaim to the world that the Senate of the United States welcomes to its membership men whose friends have bought their title to a seat in this body. In order that we may have clearly before our minds the full operation of such a rule, I put again the illustration which I suggested during the course of the address of the senior Senator from South Dakota.

Suppose some man had arisen in the Illinois Legislature just before the roll call was had, and had said, "Gentleman, there are 202 votes about to be cast for Senator in this general assembly. Mr. LORIMER, for whom I speak, has 101 honest votes, but there are 101 votes against him, and he must have an additional vote in order to be elected. Therefore, I will give $1,000 to any member here who will change his vote to Mr. LORIMER." A member arises and says, "I accept the offer." Thereupon the roll call proceeds and Mr. LORIMER receives 102 votes, which is a majority of the whole number.

These Senators say that under these circumstances Mr. LORIMER would have been duly and legally elected. The rule which they propose rejects the bribed vote and deducts it both from Mr. LORIMER's vote and the total number cast. The result would be 201 votes cast and 101 for Mr. LORIMER, a majority of the whole number. Any rule which accomplishes so monstrous, so wicked, a result must be unsound.

Or, again, let us suppose a situation not so extreme. Let us assume that of the 202 votes in the legislature, 101 of them were honestly for Mr. LORIMER and 101 of them were honestly for his opponent. Under these conditions there could be no election. A friend of Mr. LORIMER goes out to buy one of the opposing votes, and does buy it.

It is cast for Mr. LORIMER, giving him an apparent majority. Under the rule which has been suggested, LORIMER is absolutely certain of his seat, for if the corruption be not discovered his apparent majority stands. If it be discovered and exposed, although he has won his election by reason of it, his title is still good, for if the one vote be deducted from the total number his honest votes constitute a constitutional majority.

Suppose, again, in order to test the validity of the rule, another situation, and this will reduce it, I think, to such a condition that it will hardly be contended for.

There were 202 votes in the Illinois Legislature ready to be cast on the 26th of May. Senators will remember the Caldwell case, I am sure. Possibly I had better state the Caldwell case in order that it may be clear in the memory of Senators.

In that case the title of Mr. Caldwell to a seat in this body was questioned, and the charge against him was bribery. The bribery established was that he paid a rival candidate for the office $15,000 for withdrawing from his candidacy and lending his influence, with his supporters, for their transfer to Mr. Caldwell. It was not shown with any conclusiveness—in fact the committee I think did not really consider that phase of the matter—that any members of the general assembly were bribed, although there is testimony I think to show that some of them were bribed, but the committee did not pause long upon that part of the case. It did consider this situation:

Caldwell was a candidate. Gov. Carney was a candidate. They belonged to the same political party. The outcome was uncertain. Mr. Caldwell thereupon paid to Mr. Carney, who was not an officeholder, not a member of the general assembly, but simply a candidate for its honors, $15,000 if he would withdraw and induce those who had been following him to turn to Caldwell. That arrangement was carried out. Carney did withdraw. He was paid his $15,000. Caldwell took his seat, and it was challenged because of that influence in the course of the proceedings which led to his election.

The Senate never finally voted upon it because Mr. Caldwell resigned when the sentiment of the Senate became so apparent and the proof became so clear. But the report of the committee was that the payment on the part of Mr. Caldwell to Mr. Carney vitiated the election because it appeared that he had accomplished the result by the payment of money and that it was not necessary to show that any of those who followed Mr. Carney originally, and who, under his advice or influence, became followers of Mr. Caldwell, were bribed at all or influenced in any other way than by the desire of their former candidate, Carney.

Now, bearing that in mind, suppose this proof were sufficient to show, and I am not prepared to say that it does not show, that Mr. Browne, being himself corrupted, brought over to the support of Mr. LORIMER, through the force of the relation between him and his followers, 30 men. Then, under the rule in the Caldwell case, Mr. LORIMER is not entitled to a single one of those votes any more than Mr. Caldwell was entitled to the votes which came to him through the withdrawal of Gov. Carney.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. In just a moment. I want to finish this. I knew the Senator from Texas would interrupt me in a moment. But let me finish this, and then I will yield to him.

Suppose that were true and we should apply the doctrine and the law which has been insisted upon by these three Senators—the Senator from South Dakota [Mr. GAMBLE], the Senator from Texas [Mr. BAILEY], and the Senator from Kentucky [Mr. PAYNTER]. If 30 votes were in that way corrupted and were deducted from Mr. LORIMER's vote, what would be the result? There were 202 votes cast; 108 for Mr. LORIMER. The total number of votes cast and to be considered would be reduced to 172. The total number of votes cast for Mr. LORIMER would be reduced to 78.

Now, suppose that the other 94 votes which were cast for Mr. Stringer and for Mr. Hopkins had all been cast for either Stringer or Hopkins, who would have been elected Senator from the State of Illinois? With 172 votes to be counted, being a majority of a quorum, with 94 votes for Mr. Hopkins, 78 votes for Mr. LORIMER, under the rule which is contended for by these Senators, Mr. Hopkins or Mr. Stringer, as the case might have been, would have been duly and legally elected Senator from Illinois, and if these were the circumstances it would be our duty not only to unseat Mr. LORIMER but to seat the man who had received the majority of the untainted or uncorrupted votes.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa now yield to the Senator from Texas?

Mr. CUMMINS. I now yield to the Senator from Texas.

Mr. BAILEY. I want simply to direct the Senator's attention to the difference between the Caldwell-Carney case and the one at bar. In that case, as I recall, the agreement to pay the money was made and the payment of the money made by the successful candidate. Where that is true, the extent of the corruption becomes wholly immaterial. In other words, if an officer whose election is challenged is shown personally to have contributed to the corruption of a single legislator, that ends the inquiry. On the other hand, of course where that is not shown, the number of votes corrupted must be sufficient to have changed the result.

In the Carney-Caldwell case both circumstances concurred. The officer whose seat was challenged had himself participated in and sanctioned the corruption, and the number of votes influenced by the corruption was enough to have changed the result. So that under either rule Caldwell had to vacate his seat in the Senate.

Mr. CUMMINS. I do not need at all to controvert the statement just made by the Senator from Texas. I was simply referring to the case as an authority for the proposition that if this evidence showed that Mr. Browne was corrupted, no matter by whom, and that he had a following which changed its attitude upon the senatorial matter because of the change effected in Mr. Browne, the whole number of his followers would be held here to have been tainted or corrupted; and I am not at all considering the effect of the personal participation of Mr. Caldwell in it, nor did the committee consider that when commenting upon the phase of the case to which I have just referred.

These consequences, Mr. President, which I have now pointed out, are so grave and so serious that no matter what the precedents are, no matter what the rulings have been, it would be impossible for us to declare that this rule shall in the future govern the Senate of the United States.

If it is adopted it means that if bribery is skillfully done, if bribery is committed by those who have the rule in view, it can always effect its purpose if there be anything like an even division in the general assembly. It means that bribery, carried on by some other person than the candidate himself, will be permitted to seat a Member in the Senate of the United States. It means that you can bribe members sufficient in number without any consequence at all, so far as the validity of the title is concerned, provided you bribe just enough to reduce the total number to the point where the honest votes of the candidate will be a majority. It is an unthinkable proposition to me. It is in conflict with the fundamental rule which we have always acknowledged and which every tribunal has acknowledged wherever it has had occasion to deal with the question at all.

The rule is that no man shall be permitted to enjoy the fruits of bribery. No man shall be permitted to hold a seat in this body that he could not have obtained had it not been for the bribery. The rule contended for by these Senators will permit a Member to hold a seat here which is the direct result of and which has been won through the grossest corruption.

The case that I put to you a few moments ago is conclusive upon that point. I repeat it because the Senator from Texas was not here at that time. Two hundred and two votes in the Illinois General Assembly. Suppose 101 of them were honestly for Mr. LORIMER and 101 were opposed to him. Some friend of Mr. LORIMER—let us assume Mr. Browne—goes out and buys one vote. When he has bought that vote, he has bought Mr. LORIMER's title to a seat in the United States Senate, no matter whether the corruption is discovered or whether it is not. If it is discovered, then the one vote is deducted from the total and there are 201 votes cast and Mr. LORIMER's 101 honest votes constitute a majority.

If it is never discovered, then of course Mr. LORIMER stands here with a title upon his full and apparent vote of 102. Does the Senator from Texas believe that a seat so obtained is obtained by corruption, or does he believe that it is obtained honestly?

Mr. BAILEY. Obtained obviously by corruption; and under no rule ever laid down in the Senate or in any court in this country would a Senator so chosen retain his seat.

Mr. CUMMINS. I am very glad to hear the Senator so declare, because, if I understand it, his present statement is in direct conflict with the view that he expressed upon a former occasion.

Mr. BAILEY. Not at all; for on the former occasion the Senator assumed the vote was enticed to leave the chamber and was not cast.

Mr. CUMMINS. No.

Mr. BAILEY. But on this occasion he assumes that it was bought, not by the Senator whose seat is called in question, but by one of his friends, and that corrupt or purchased vote became the deciding one in the contest——

Mr. CUMMINS. Certainly——

Mr. BAILEY (continuing). And undoubtedly in that case the election would be void.

Mr. CUMMINS. Then I put to the Senator from Texas this question, because if we really agree upon this matter it is useless to take up the time of the Senate in going to the authorities: Here were 108 votes cast for Mr. LORIMER, the total number of votes cast being 202. Assuming that seven of those votes were bribed by a friend of Mr. LORIMER and in his behalf, was Mr. LORIMER duly and legally elected to the Senate of the United States?

Mr. BAILEY. He was, and for the very sufficient reason that those seven corrupt votes must be subtracted from the total vote cast and also subtracted from Mr. LORIMER's vote. Subtracting the seven from 202 would leave 195; subtracting the seven from 108 would leave 101 unchallenged votes, a clear majority of seven.

Mr. CUMMINS. Mr. President, I totally fail to understand the discrimination made by the Senator from Texas. I put to him this case: Two hundred and two votes in the assembly, 101 for another person, 101 for LORIMER, that being the original condition.

The PRESIDING OFFICER. Will the Senator from Iowa suspend a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. CULLOM. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the unfinished business be temporarily laid aside. That course will be taken unless there is objection. The Senator from Iowa will proceed.

Mr. CUMMINS. I will restate the question; I was about through when I was interrupted: Two hundred and two votes divided equally between Mr. LORIMER and Mr. Stringer, each of them having 101. A friend of Mr. LORIMER, and in his behalf, goes out and buys one vote for him, which is on the next day cast for Mr. LORIMER. The result is 102 votes for Mr. LORIMER and 100 votes for his opponent. Would Mr. LORIMER under those circumstances be duly and legally elected?

Mr. BAILEY. And I reply again that he would not, and that according to the plainest and best-established rules of law, because the corrupt vote there decides the result.

Mr. CUMMINS. Then the Senator from Texas makes a difference between seven corrupt votes which are decisive and one corrupt vote which is decisive.

Mr. BAILEY. Not at all. I hold that the seven votes were not decisive. My mathematics may be bad, but I tried to figure it out upon my feet in the open Senate by subtracting

seven votes from the total votes cast, which would leave 195 instead of 202; I then subtracted the seven illegal or corrupt votes from Mr. LORIMER's total, which left him 101 instead of 108, and with 195 legal votes cast Mr. LORIMER's 101 legal votes elected him, and the seven votes were not decisive of the question.

Mr. CUMMINS. Now, Mr. President, let me state in the same way the mathematics of the last inquiry I put, for I beg to say here that the computation of the Senator from Texas is, in my opinion, entirely correct. There were 202 votes cast in the case I put; one corrupt vote cast for Mr. LORIMER. Deduct one vote from Mr. LORIMER and he would have 101 votes. Deduct one vote from the total number cast and there would be 201 votes. One hundred and one being a majority of 201 would, as it seems to me, upon the same theory that the Senator has employed with regard to the other inquiry, elect Mr. LORIMER.

Mr. BAILEY. No, Mr. President; it is a matter of mathematical demonstration that the purchased vote in the case which the Senator from Iowa has stated decides the result, and all the books agree that a result decided by a corrupted vote can not stand in this or any other forum.

When the Senator from Iowa suggested that I made a different answer to-day from what I made the other day, he was confusing the answer which I made to his second question, and that was in the state of case where one of the legislators was induced to leave the chamber, and I answered that as he now supposes I did. But that is a very different question from the one which he now presents. He now presents the question which he first presented to the Senator from South Dakota [Mr. GAMBLE]. I did not intend my answer then to cover that, and, indeed, it did not cover it.

Mr. CUMMINS. Mr. President, I perceive the same inconsistency or repugnancy between the answers the Senator from Texas has just made to my inquiries that I perceive between his answers of to-day and his answers of a day or two ago.

Mr. BAILEY. Will the Senator permit me?

Mr. CUMMINS. I may be exceedingly dull, but I am endeavoring——

Mr. BAILEY. No one would ever accuse the Senator from Iowa of that.

Mr. CUMMINS. I want to get the real view of the Senator from Texas, because he and I ought not to disagree with regard to the law of this case, however much we may disagree with respect to the facts in the case.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. BAILEY. I really do not see much chance for men to state the facts and differ about them. I think there is more danger of differences over the law than there is over the facts. The difference between the two cases is the old difference between a positive and a negative wrong, with which all lawyers are familiar. If a member of the legislature cast a vote which decides the issue, and casts it corruptly, that vote must be rejected and that result is likewise rejected. But if the legislator did not cast a vote, then arises a very different question.

If I should be standing by the roadside and see the Senator from Iowa coming down with a spirited team of horses or in an automobile, and I would see an invisible wire stretched just across the brow of the hill, it would be my duty as a good citizen and as a Christian to warn him and save him from disaster; but if I failed to do so the Senator would have no right to sue me in any court, and if he sued me he could recover no judgment. But if I stretched that wire just across the brow of the hill so that I threw him and his vehicle in the ditch and did them great damage, he could sue me, and he could recover judgment according to his damage and my means.

I simply use that as an old and familiar illustration that runs through all the law books of the difference between a negative and a positive wrong. The legislator who casts a corrupt vote commits a positive wrong. The legislator who casts none at all commits merely a negative wrong.

Mr. CUMMINS. Mr. President, I have no disposition to dissent from the law which is involved in the illustration just made by the Senator from Texas, but what puzzles me is to discover why it is a positive wrong to buy one decisive vote and not a positive wrong to buy seven votes, one at least of which was decisive of Mr. LORIMER's election.

Mr. BAILEY. I will do this, although I do not think the case could be fairly decided that way, because I have my own view of the evidence, which at a proper time I will submit to the Senate. If the Senator from Iowa can convince me that corrupt votes, as cast, decided this result, I will almost myself enter this race of diligence, to which I referred one day, and I will be swift to move that there was no valid election, because I hope the Senator knows that I would not contend for one moment that a result accomplished by a corrupt vote could stand either here or elsewhere.

Mr. CUMMINS. Mr. President, that is the whole proposition for which I have been contending. I have either very greatly misunderstood the announcement of the senior Senator from South Dakota [Mr. GAMBLE], the announcement heretofore of the junior Senator from Texas [Mr. BAILEY], and the Senator from Kentucky [Mr. PAYNTER], or those announcements are not in harmony with the view just expressed by my friend from Texas. However, I want to make it now perfectly clear, so that we can all come to the same mind as that which has just been expressed by the Senator from Texas.

I take the seven votes which I have indicated as corrupt, and of course upon that point, I understand, there is a difference of opinion; but I am assuming now that this testimony shows that at least seven of these men were bought to vote for Mr. LORIMER. Without them he had but 101 votes. He never could have been elected without them. It is a conclusive presumption of the law that when one is bribed to vote for a candidate, if the bribery had not taken place, he would have voted in some other way; otherwise the bribery accomplishes nothing. Therefore, these seven votes gave Mr. LORIMER his election. It was not necessary for him or his friends to have bribed all of them; but I understand perfectly, and I think Senators do, why Mr. Browne brought into this combination all his followers, and therefore gave to Mr. LORIMER more than he needed in order to constitute a majority. But assuming that there were seven corrupt votes, Mr. LORIMER had just 101 votes, honest, untainted votes, and they might have voted until the crack of doom and Mr. LORIMER would not have been elected to the Senate. He had to receive one additional vote, and the bribery that accomplished one embraced seven. I am sure the Senator from Texas will not see any difference between accumulating seven, which resulted in the election, and bribing one, which would accomplish this election.

Mr. BAILEY. Not where there was the same result, Mr. President. The Senator from Iowa now makes it perfectly clear to my mind what he contends; and the only difference between the Senator from Iowa and myself on the law is simply this: I hold the law to be that when a vote is shown to be corrupt it must be rejected for all purposes as no vote at all; the Senator from Iowa contends that it must be deducted from the candidate receiving it and still be left in the general count. The Senator makes that obvious, because he still demands that 101 votes are not a majority of those participating in that election.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I wish to ask a question of the Senator from Texas for the purpose of illustrating the point which he has just suggested. It is conceded, I presume, that if there were seven corrupt votes and they were taken from the number which Mr. LORIMER should have had, 108, but not taken from the 202, he would not have been elected.

Mr. BAILEY. Undoubtedly.

Mr. BORAH. Then, if that be true, does it not follow that under that rule of construction he gets the benefit of a part of a legal vote every time he buys a vote?

Mr. BAILEY. No; it does not.

Mr. BORAH. Just a moment. If you take seven from 108 and do not take them from 202, he would not have been elected, but if you take seven from the 202, he is elected. So every time he buys a vote he gets under that rule the advantage of half a vote or some part of the vote.

Mr. BAILEY. Mr. President, the usually very accurate intellect of the Senator from Idaho has failed on this occasion. A man either gets the benefit of all or none. If he be shown to have bought a single vote, no matter if his majority might be 100, he fails of election. If those acting without his knowledge and consent buy a vote, then that vote is rejected.

I want to put this question to the Senator from Idaho and the Senator from Iowa, because around this question, in my opinion, revolves this whole controversy. I want them to furnish me some rule of law by which you can reject the vote of a member of the legislature as he cast it and still count it for any other purpose.

I have given no little attention to that. I think I am as solicitous as any Senator here that money shall not control our elections. I can say what but few Senators can say. I was elected five times to the House of Representatives and I have been elected twice to the Senate of the United States. I never paid any man one penny for anything he did for me in any one

of those elections; I never paid a living man a penny to write a line about me; and I have never paid any newspaper a cent to print a line about me. I have never used money in politics, although I have had it used against me, and I have the resulting prejudice from such an experience.

But that is not the question here. The question here is, Shall we obey the law? As I understand it, I am going to obey it. I assume that every other Senator is going to obey it as he understands it. I am sure there will be no Senator in this body more swift to obey it, as he understands it, than the Senator from Idaho. All I want to do is to have the law question answered for me. If there is any rule or authority by which you can reject the vote of a member of the legislature as he cast it and still count it for any other purpose, then I am amenable to an argument on that point.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I think the precedent to which the Senator refers will be shown in the Clark case.

Mr. BAILEY. I think Senator Hoar contended it there, but not the committee. My recollection is that on two different occasions Senator Hoar insisted, expressing his individual view, and perhaps joined by a minority of the committee, that the vote should be subtracted from the candidate receiving it and apportioned among the other candidates. It is some time since I have examined it, and it may not have been the Clark case in which Senator Hoar made that report.

Mr. CUMMINS. I will presently show to the Senator from Texas and the Senate the unanimous report of the Committee on Privileges and Elections in the Clark case affirming the very proposition which I have attempted to maintain. Senators Hoar and FRYE, in a separate report in the Payne case, suggested the same rule.

Mr. BAILEY. Mr. President, as I remember, in the Payne case the committee exonerated that Senator from all participation in the corrupt practices which were alleged against his election. It has been some time since I examined it, but they stated, as I recall it, that the committee were divided on the effect of a candidate's personal participation in the bribery of legislators. But in the progress of events that doubt has been disappearing both here and in the courts, until now I think the well-accepted rule is that the extent of the corruption is immaterial whenever it is shown that the officer whose election is challenged participated in it.

But I do not think the Senator from Iowa can find any case in the books—I will not say any case, but any well-considered case—where a vote is rejected as cast and still counted. He will find, now and then, some authority for that view in the law books, but the overwhelming weight of authority as well as the overwhelming reason for the rule is that a vote which can not be counted as cast can not be counted at all.

Mr. BORAH. Mr. President, just a word, and then I will not detain the Senator from Iowa further.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I think the Senator from Texas will agree with this proposition, that an individual can never derive any advantage from an act of corruption.

Mr. BAILEY. Of his own, undoubtedly.

Mr. BORAH. Or from anyone else.

Mr. BAILEY. That may be the old case of the positive and negative wrong which I instanced awhile ago.

Mr. BORAH. No.

Mr. CUMMINS. I hope the discussion will not continue too long.

Mr. BORAH. I will take only a moment.

Mr. CUMMINS. I yield further to the Senator from Idaho.

Mr. BORAH. But I take the position that a party can not derive any advantage; although he may not be charged with affirmative disadvantage, if the corruption be upon the part of another. He can not derive any affirmative advantage from an act of corruption in an election by whoever done. That is a universal principle.

Mr. BAILEY. No; the universal principle is that no man can derive any advantage from his own wrong. That is the law of the books.

Mr. CUMMINS. Mr. President, I must insist upon resuming the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor and he will proceed.

Mr. CUMMINS. I am perfectly willing to yield for a brief statement, but not for extended argument. Does the Senator from Idaho desire to proceed further?

Mr. BAILEY. I hope the Senator from Idaho will do me the honor to attend when I address the Senate. I promise him as long a session on that question as he desires; and I will yield to him then.

Mr. BORAH. May I say just a word in order that the record may be complete on this point?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. My position is simply this, that a party can never derive an advantage from an act of corruption in an election, whether done by himself or anyone else. That is aside from the question whether he is visited with a disadvantage. Even if the act of corruption is upon the part of some one with whom he is not connected, yet under no theory or no principle of morals or of law can he derive any advantage from an act of corruption.

The rule which takes the seven votes from the 108 and the seven votes from the 202 gives him an advantage every time he buys a vote. So it becomes not a question of law or of morals, but a mathematical proposition as to how a man may get into the Senate.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I do.

Mr. OWEN. I wish to contribute a point on the mathematical view of this case. An actual calculation will show that on the rule of the Senator from Texas it would require 15 votes to have been purchased in order to invalidate the election; on the rule of the Senator from Iowa, seven.

The PRESIDING OFFICER. The Senator from Iowa has the floor, and he will proceed.

Mr. CUMMINS. Mr. President, I have been very much pleased with this interchange of views between the distinguished Senators who have spoken, not only because it has resulted in a great deal of illumination upon the subject, but because it has given me an opportunity to rest for a moment.

The rule which lies at the bottom of the whole subject is that a seat in the United States Senate can not be bought; that the title must not be the result of bribery or corruption; and to that rule there is no exception. Every other rule must yield to it. Every other rule must be in harmony with it. It has been determined finally that no matter whether the bribery or corruption consisted in removing a competitor from the campaign or whether it existed in the caucus of the party nominating a candidate, if it results at last in conferring a title upon a person to a seat in this body, it is not permitted to prevail.

I still recur to the position of the Senator from Texas. I can not at all understand it. I do not suggest this in order, of course, to ask him for a further argument, for I think he has made his position as clear as it can be made, but I can not perceive his distinction. He says that if seven men voted for LORIMER corruptly, the votes of those seven men must be deducted from the total number, leaving 195.

If, however, LORIMER had received but 102 votes and one of them had been corrupted, then the one vote must not be deducted from the total number, because if the vote is deducted from the total number then the bribery would accomplish its result, for the 101 votes for Mr. LORIMER would constitute a majority of 201 votes. It is, however, just as true that the 101 votes which shall result by the deduction of seven votes from 108 constitute a majority of the 195 votes that remain after the deduction of seven from the full number.

I leave that, however, with the Senate in order that it may determine whether my view of it is sound or whether the view of the Senator from Texas is to be received.

I want now to show the Senate in a very few minutes, because I must bring these remarks to a close, that the rule for which I contend is the rule of the Senate; that if any other is established it departs from the well-considered judgment of the Senate. I ought to qualify that, because in neither of the cases to which I shall refer was there a judgment of the Senate. In both of them the opinions I shall quote are the opinions of the committee.

The immediate point in the Payne case was not voted upon by the Senate, and the immediate point in the Clark case was not voted upon by the Senate, because before that time came Mr. Clark had resigned, and therefore no action was possible. In the Payne case, as Senators will remember, there was no investigation. Certain memorials were presented to the Senate, certain resolutions adopted by the Legislature of Ohio, and they were referred to the Committee on Privileges and Elections; and the question was whether, upon the showing thus made in these resolutions and in affidavits or other statements, such a case had been made as would warrant an investigation upon the part of the Senate.

A majority of the Committee on Privileges and Elections held that the case made was not sufficient, and so reported. That report was adopted by the Senate, and therefore the charges made against Mr. Payne were never the subject of any investigation by the committee in its capacity as a committee. But there is a report filed in that case by Senators Hoar and FRYE, which, so far as I can ascertain, contains the first reference to this particular question that can be found in the annals of the Senate, and I beg to call attention to it.

Now, mark you, it is not in contradiction of the report of the majority; it is not in dissent from the views of the majority. The majority were not convinced that an investigation was necessary. I read from Senate Election Cases, page 715. As will be remembered, this was a case of bribery or alleged bribery in the Democratic caucus, and if there was any bribery in the vote in the general assembly it was only the consequential bribery that followed the corruption of the caucus. I quote a paragraph from the report of Senators Hoar and FRYE:

If B, C, and D have promised to vote as A shall vote, if A be corrupted 4 votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the legislature were bound in honor to support. Seventy-nine persons attended the senatorial caucus and voted on the first ballot. Of these Mr. Payne had the votes of 46, Ward 17, Pendleton 15, Booth 1. If 6 only of Mr. Payne's votes—

I think the word "six" here must be an error—

If 6 only of Mr. Payne's votes in the caucus were procured by bribery, the result of the election of Senator was clearly brought about by that means.

If you deduct these bribed votes mentioned by Senators Hoar and FRYE from the total number of votes in the caucus and also from Payne's vote, still Mr. Payne had a very considerable majority of the supposed untainted or uncorrupted votes. This statement is in direct conflict with the view entertained apparently by the three Senators who have spoken in behalf of the committee, unless that view be modified by the expressions of the Senator from Texas [Mr. BAILEY] this morning.

But I now come to a case in which the question was expressly decided by the committee—Election Cases, page 906. This case involved the validity of the title of William A. Clark, a Senator from Montana. I shall not go into the details of the case, because it is somewhat recent and I think very familiar to all those who have studied public affairs. I wish to read the unanimous report of the committee with regard to the questions of law involved in the case:

In justifying the finding of the committee it is not necessary to discuss any doubtful questions of law.

(1) It is clear that if, by bribery or corrupt practices on the part of the friends of a candidate who are conducting his canvass, votes are obtained for him without which he would not have had a majority, his election should be annulled, although proof is lacking that he knew of the bribery or corrupt practices.

Now, mark you—

who are conducting his canvass, votes are obtained for him without which he would not have had a majority, his election should be annulled, although proof is lacking that he knew of the bribery or corrupt practices.

(2) It seems to have been admitted that if the person elected clearly participated in any one act of bribery or attempted bribery he should be deprived of his office, although the result of the election was not thereby changed.

Now, mark you—

According to the law, as understood by the committee, Senator Clark can not be permited to retain his seat. He received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he obtained through illegal and corrupt practices eight votes which would otherwise have been cast against him, he was not legally elected. More than this number of votes, the committee find from all the evidence, was thus obtained.

I ask now a moment's close consideration while we apply to the present controversy the rule in the Clark case. Fifty-four votes were for him and 39 were against him. The aggregate of 54 and 39 is 93. The committee says that if eight of these votes were corrupted in behalf of Mr. Clark his election was void.

Let us, therefore, deduct eight votes from the 54 which he received, and we have a resultant of 46 votes. Let us deduct eight votes, as contended by the Senator from Texas, from the total number of votes cast, and we have 85 votes, which are to be considered in determining whether Mr. Clark was legally elected to his office, according to the doctrine we have heard announced here by the committee. A majority of 85 votes is 43 votes. In this case Mr. Clark received 46 votes untainted and uncorrupted, so far as this part of the report is concerned, and yet the committee in that case says that notwithstanding his 46 votes, which are the result of deducting eight votes from 54 votes, he was not legally elected to the Senate of the United States.

It is the exact situation which we now have before us. There is not one hairbreadth difference between that case and the one we have here. If we were to pursue the rule insisted upon by these Senators, Mr. Clark would have shown an unimpeachable title to his office, but it was nullified without a dissenting voice. The rule which is now insisted upon can not be applied, it never will be applied, and it never has been applied in any tribunal in the enlightened world, as can easily be shown by an analysis of the various cases.

But I need go no further than to ask the Senate to stand firmly by that which has already been decided in this body. That report and that statement and that view of the law was concurred in by every member of that committee, no matter what his political affiliations may have been.

I pause only to mention two other cases, for I have already too much exhausted the time of the Senate, as well as my own strength. The Senator from South Dakota [Mr. GAMBLE] and the Senator from Kentucky [Mr. PAYNTER], following him, have referred to two cases, one in Minnesota and the other in New Jersey.

The case in Minnesota was this: There was a proposition for a franchise submitted to the voters of Duluth; the law requiring that it be adopted, if adopted at all, by four-sevenths of the votes cast.

The election was had, the result was disputed, and the supreme court of Minnesota decided it in this way: There were 26 votes which were in doubt. Five of the ballots representing those votes had such marks upon them as would constitute an identification of the voters, contrary to the law of Minnesota. Twenty-five of the votes were so unintelligible, so undecipherable, and so mutilated that it was impossible to determine in what manner the voter intended to express his opinion. The supreme court of Minnesota said that the 26 votes should be deducted from the whole poll, and that if the votes in favor of the franchise or proposition with this readjustment of the poll constituted four-sevenths of the vote, then the proposition was legally adopted. There was no suggestion of fraud, no suggestion of accomplishing anything by corrupt practices. That case simply invokes a rule which is admitted by all lawyers, which is universal, and which, so far as I know, represents the view of every student of the law wherever he may be.

The other was a case in New Jersey, in which, as I remember, the Legislature of New Jersey had sought to broaden or enlarge the territory of some borough, and it involved the election of a town officer. All the voters of the enlarged territory voted in the election at which the officer was to be chosen. It was held that this enlarged territory had not been legally brought within the borough, and that therefore the men who lived on the outside were not entitled to vote in the election of this officer. The court of New Jersey simply decided that the election of that officer should be determined by the voters within the legal territory. There was no question of fraud, no suggestion of corruption, no advantage from any wrongdoing. It is as far removed from this controversy as a legal decision could be.

Senators, I have now concluded my review of this case. I feel conscious of a great responsibility. It is not a pleasant or an agreeable thing to reach the conclusion to which my mind has come in this matter. I believe that the testimony shows that seven or more of the members of the Illinois Legislature were corrupted and through that corruption were induced to vote for Mr. LORIMER. I believe that under the law of the land, as declared by the Senate and as taught by all the principles of jurisprudence, these seven corrupt votes invalidate the title of Mr. LORIMER to the seat he now occupies. It seems to me that, even though we may differ with regard to the question of fact, we must not differ with regard to the principles of the law. We must not lower the time-honored standards. If the rule which has been for the first time invoked in the Senate shall prevail then bribe givers and bribe takers can for all time accomplish their sinister purposes if intelligent minds accompany their corrupt hearts.

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. KEAN. Mr. President, if no Senator desires to speak further this afternoon on the report of the Committee on Privileges and Elections or on the unfinished business, I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII. Is there objection? The Chair hears none. The Secretary will state the first bill on the calendar.

SALE OF BURNT TIMBER ON PUBLIC LANDS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes. The bill was reported from the Committee on Public Lands and has heretofore been read in full.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota that the Senate proceed to the consideration of the bill named by him?

Mr. KEAN. Mr. President, I have no objection to the bill; but after it has been acted upon I shall insist on the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "of," to strike out "all such sales to be covered into the Treasury, as are other receipts from the public lands," and to insert "the sale of such timber on lands within the States and Territories named in section 1 of the act entitled '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,' approved June 17, 1902, shall be deposited in and form a part of the 'reclamation fund' described in said section, and the proceeds of such timber on lands in other States and Territories than those named in said section shall pass into and form a part of the general funds of the Treasury," so as to make the section read:

That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or damaged by forest fires prior to December 1, 1910, the proceeds of the sale of such timber on lands within the States and Territories named in section 1 of the act entitled "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," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and the proceeds of such timber on lands in other States and Territories than those named in said section shall pass into and form a part of the general funds of the Treasury.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 16, after the word "location," to strike out "grant, claim," and insert "entry," so as to make the section read:

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, entry, or appropriation subsisting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 4, after the word "location," to strike out "grant, claim," and insert "entry," and in line 10, after the word "lands," to strike out "as are other receipts from the sales of public lands," and insert "within the States and Territories named in section 1 of the act entitled 'An act to appropriate 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,' approved June 17, 1902, shall be deposited in and form a part of the 'reclamation fund' described in said section, and if upon other public lands the proceeds shall pass into and form a part of the general funds of the Treasury," so as to make the section read:

SEC. 5. Whenever any filing, selection, location, entry, or appropriation shall be canceled because of failure of claimant to perfect title in accordance with the provisions of law governing the same, the proceeds from the sale of timber on such claim shall, if upon lands in a national forest, be disposed of as proceeds from other sales of timber within national forests, and, if upon public lands within the States and Territories named in section 1 of the act entitled "An act to appropriate 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," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and if upon other public lands the proceeds shall pass into and form a part of the general funds of the Treasury.

The amendment was agreed to.

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

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

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. STONE. Mr. President, I had intended this afternoon to address the Senate on the so-called subsidy bill, the unfinished business, but I am feeling so unwell that I can not proceed without great discomfort. I should like, therefore, to give notice that to-morrow morning, after the morning business, I will, if agreeable to the Senate, address the Senate at that time.

Mr. JOHNSTON. The Senate may not be in session to-morrow.

Mr. STONE. It has been suggested that there may not be a session to-morrow. I had supposed there would be, but, if not, I should like to have the notice hold good for Monday.

Mr. WARREN. There will be a session to-morrow.

Mr. STONE. Very well; there will be a session to-morrow.

The PRESIDING OFFICER. The notice of the Senator from Missouri will be entered, as requested.

NAHANT & LYNN STREET RAILWAY CO.

Mr. WARREN. From the Committee on Military Affairs, I report back with an amendment the bill (S. 9094) to authorize the Nahant & Lynn Street Railway Co. to construct, operate, and maintain street railway tracks upon the United States coast defense military reservation at Nahant and I submit a report (No. 1017) thereon. I call the attention of the Senator from Massachusetts [Mr. LODGE] to the bill.

Mr. LODGE. Mr. President, I ask unanimous consent for the present consideration of that bill. It is a local bill, and I do not think it will cause any debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That the Secretary of War, for and on behalf of the United States, is hereby authorized to grant and convey by deed to the Nahant & Lynn Street Railway Co., a corporation duly organized under the laws of the Commonwealth of Massachusetts, a strip of land 16 feet wide lying along the northerly and westerly sides of the military reservation at Nahant, Mass., and abutting upon Flash Road and upon Castle Road as far south as the southerly line of Range Road prolonged; said land to be, by the said street railway company, or its successors and assigns, permanently used as the location for a street railway: *Provided*, That when it shall cease to be used for this purpose, it shall revert to the United States: *Provided further*, That there shall be reserved to the United States rights of way across said strip of land at the northeasterly and northwesterly corners of the reservation, and at Range Road.

SEC. 2. That the deed required by the foregoing section of this act shall not be delivered to the said Nahant & Lynn Street Railway Co. until said company shall have paid to the United States, for the said strip of land, the sum of $3,500.

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 to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation at Nahant, Mass."

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the code bill under Rule IX, being Senate bill 7031. I think we can finish it this afternoon if we now take it up.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent——

Mr. KEAN. Mr. President, I thought unanimous consent had just been given to proceed to the consideration of bills on the calendar, under Rule VIII.

The PRESIDING OFFICER. The Chair would state to the Senator from New Jersey that unanimous consent was given, but it may be supplanted by another unanimous consent. Is there objection to the request of the Senator from Idaho?

Mr. KEAN. I have no objection, Mr. President.

Mr. OWEN. Mr. President, I object.

Mr. HEYBURN. Mr. President, I move that the Senate proceed to the consideration of Senate bill 7031, notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate proceed to the consideration of Senate bill 7031, notwithstanding the objection.

Mr. CULLOM. I hope that will not be done, except without prejudice to the unfinished business.

Mr. HEYBURN. Mr. President, I make this motion without prejudice to the unfinished business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho [Mr. HEYBURN].

Mr. BORAH. Mr. President, can a motion be made in this way to except the unfinished business so as to save it?

The PRESIDING OFFICER. The Chair has no doubt about the right of the Senator from Idaho to make the motion.

Mr. BORAH. There is no doubt about his right to make the motion, but what I rose for was to inquire what would be the effect of that motion, if it prevailed, with reference to the unfinished business?

The PRESIDING OFFICER. If the motion of the Senator from Idaho shall be adopted, the Senate will proceed to the consideration of the bill named by him.

Mr. HEYBURN. Without prejudice to the unfinished business.

Mr. BORAH. What effect will that have upon the unfinished business?

Mr. KEAN. "For this day only." The Senator makes the motion in that form.

The PRESIDING OFFICER. The unfinished business will be temporarily laid aside.

Mr. BACON. It would be more than temporarily laid aside; it would be displaced.

The PRESIDING OFFICER. Displaced.

Mr. BACON. They are two very different things.

Mr. OWEN. Mr. President, I understood that unanimous consent had been given to proceed with the consideration of bills on the calendar under Rule VIII.

The PRESIDING OFFICER. Unanimous consent had been given for that purpose, but the Senator from Idaho obtained recognition from the Chair and asked the sense of the Senate upon his motion. The Chair will submit the motion.

Mr. HEYBURN. Mr. President, I desire to state the motion, so that there will be no misunderstanding. The motion is that we proceed to the consideration of Senate bill 7031 without prejudice to the unfinished business. The Senate has the absolute control of its own action in this matter.

Mr. OWEN. Mr. President, I make the point that unanimous consent having been given, the Senator from Idaho is bound by it.

The PRESIDING OFFICER. Unanimous consent was given, and the Senate proceeded under that unanimous consent until the Senator from Idaho made his motion. Now the Senator from Idaho is entitled to have his motion put to the Senate, and it is for the Senate to determine whether they will set aside the unfinished business.

Mr. STONE. I do not think any action ought to be taken which would leave the position of the unfinished business in a state of uncertainty.

The PRESIDING OFFICER. The Senator from Idaho——

Mr. STONE. The Chair will pardon me. The Senator from New Hampshire, in charge of the bill, is detained from the Senate by reason of illness, I am informed, and I hope the Senate will not in his absence, at least, take any action which would displace that bill as the unfinished business.

Mr. HEYBURN. I have no desire to displace the unfinished business, and for that reason I have framed the motion as stated, that we proceed to the consideration of this measure without prejudice to the unfinished business.

The PRESIDING OFFICER. As the Chair understands——

Mr. OWEN. I will withdraw my objection, Mr. President.

The PRESIDING OFFICER. As the Chair understands, if the consideration of the codification bill extends beyond the hour of 2 o'clock to-morrow it would displace the unfinished business.

Mr. STONE. The Senator from Oklahoma has withdrawn his objection, and the bill can be taken up by unanimous consent.

Mr. CULLOM. It ought to be taken up by unanimous consent.

Mr. STONE. By unanimous consent.

Mr. HEYBURN. Oh, yes. I hope we shall.

Mr. WARREN. I understand that the unfinished business has been temporarily laid aside.

The PRESIDING OFFICER. It has.

Mr. WARREN. If the Senator from Idaho can get unanimous consent to take up the bill, it would be better and would be subject to the unfinished business.

Mr. CULLOM. Yes.

The PRESIDING OFFICER. Will the Senator from Idaho put his request in the form of a motion?

Mr. CULLOM. The Senator withdrew the motion and now asks for unanimous consent.

Mr. HEYBURN. In order to test the sense of the Senate——

The PRESIDING OFFICER. Objection having been withdrawn——

Mr. HEYBURN. I withdraw that for the present, and now ask unanimous consent that we proceed to consider the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will resume the reading of the bill.

MONUMENT OVER PRESIDENT TYLER'S GRAVE.

Mr. SWANSON. Will the Senator from Idaho permit me to present a report out of order?

Mr. HEYBURN. I yield so far as I may.

Mr. SWANSON. I am directed by the Committee on the Library, to which was referred the bill (S. 3662) for the erection of a monument to ex-President John Tyler, to report it with an amendment, and I submit a report (No. 1016) thereon.

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

Mr. HEYBURN. If I may do so under the rule, I cheerfully yield. The Chair will have to determine that.

The PRESIDING OFFICER. The Chair will submit the request of the Senator from Virginia. The Senator from Virginia asks unanimous consent for the present consideration of a bill just reported from the Committee on the Library. Is there objection?

Mr. HEYBURN. Or I will withdraw the request for unanimous consent, with the understanding that it will follow.

Mr. MARTIN. It will follow.

Mr. HEYBURN. I am very anxious to proceed with the codification bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on the Library, with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause a suitable monument to be erected over the grave of the late John Tyler, former President of the United States, in Hollywood Cemetery, Richmond, Va., not to exceed in cost the sum of $10,000.

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 for the erection of a monument over the grave of President John Tyler."

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. I now renew my request for unanimous consent that the Senate proceed to the consideration of the code bill.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BANKHEAD. I wish to ask the Senator in charge of the bill if he will consent to return to chapter 5, section 68, in order that I may offer an amendment.

Mr. HEYBURN. Certainly.

Mr. BACON. I did not understand that the question of unanimous consent had been disposed of.

The PRESIDING OFFICER. Unanimous consent was asked for by the Senator from Idaho.

Mr. BACON. I understood that, but I did not understand that it had been disposed of, and I supposed when the Senator from Alabama addressed the Chair he was addressing himself to that.

Mr. HEYBURN. I yielded that the Senator from Alabama might offer an amendment.

Mr. BACON. Very well. I wish to ask the Senator from Idaho, in case this bill is taken up this afternoon, how far it is his purpose to proceed with it this afternoon.

Mr. HEYBURN. As far as the Senate is willing to consider it.

Mr. BACON. I will say to the Senator, very frankly, that I do not wish any final action taken this afternoon.

Mr. HEYBURN. I think we will not probably reach the point to-day where final action will be taken.

Mr. BACON. I wish to say this: The Senate evidently is not interested in this bill; nobody pays any attention to it, except the Senator from Idaho, although it concerns the fabric of our judicial system. I have made myself a little somewhat officious in my various objections to it, and I propose myself, if the Senate is in accord upon the subject of leaving it entirely to the wisdom of the committee, not, myself, to further interfere.

I should like, before it is finally concluded, to present a paper, which I have not here—I furnished it to a brother Senator, who has left it at home, not knowing that this matter was coming up to-day. I wish, at least, that there shall go on the record the opinions of the representatives of the National Bar Association in opposition to the proposition contained in this bill to destroy the circuit courts. I am opposed to it myself. I realize the fact, however, that single handed I can not accomplish anything, and I shall content myself with putting it on record.

Mr. BANKHEAD. I offer the amendments I send to the desk.

The SECRETARY. In line 14, page 1 of the printed amendment, section 68, insert "and" after the word "Franklin;" in line 14, page 1, section 68, strike out the words "Marion," "Winston;" in line 5, page 4 of said section, strike out the words "Fayette," "Lamar," and in the place of the word "Lamar" insert the word "and;" in line 6, page 4 of said section, strike out the words "and Walker;" in line 7, page 4 of said section, after the words "said district," insert "also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district;" in line 2, page 5 of said section, after the words "calendar year," insert "for the Jasper division at Jasper the second Tuesdays in January and the second Tuesdays in June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government;" and in line 7, page 5 of said section, after the word "Florence," insert the words "at Jasper."

The amendments to the amendment were agreed to.

Mr. HEYBURN. I ask that we proceed with the bill, chapter 10.

The PRESIDING OFFICER. Does the Senator wish to——

Mr. HEYBURN. That was an amendment to the pending bill. The bill has been taken up by unanimous consent, and it is now under consideration. Unanimous consent has been given. I ask now that the clerk commence to read on page 181, where we left off.

The PRESIDING OFFICER. That course will be taken.

Mr. HEYBURN. I ask that the clerk be authorized to make the numbers of the sections conform to the numbers in the bill.

The PRESIDING OFFICER. That course will be taken.

The Secretary read as follows:

CHAPTER 10.

PROVISIONS COMMON TO MORE THAN ONE COURT.

Sec.
243. Cases in which jurisdiction of United States courts shall be exclusive of State courts.
244. Oath of United States judges.
245. Judges prohibited from practicing law.
246. Salary of judges after resignation.
247. Writs of ne exeat.
248. Power to issue writs.
249. Temporary restraining orders.
250. Injunctions; in what cases judge may grant.
251. Injunctions to stay proceedings in State courts.
252. When suits in equity may be maintained.
253. Power to administer oaths and punish contempts.
254. New trials.
255. Power to hold to security for the peace and good behavior.
256. Power to enforce awards of foreign consuls, etc., in certain cases.
257. Parties may manage their causes personally or by counsel.
258. Certain officers forbidden to act as attorneys.
259. Penalty for violating preceding section.

SEC. 243. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

Fourth. [Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize.]

Fifth. Of all cases arising under the patent-right or copyright laws of the United States.

Sixth. Of all matters and proceedings in bankruptcy.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens.

Eighth. *Of all suits and proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice consuls.*

Mr. HEYBURN. That is existing law, except as to the eighth subdivision, and in that case the note shows that——

This clause was repealed by the act of February 18, 1875 (18 Stat., 318), being "An act to correct errors and to supply omissions in the Revised Statutes of the United States." Just why this clause was repealed the committee is unable to state. In In re Iasigi (79 Fed. Rep., 751, 753) the court, discussing the repeal of this provision, says:

"As respects any actual intention of Congress, the repeal of paragraph 8 of section 711, by the act of 1875, affords no light. The explanation of that repeal is difficult, if not impossible. The act is entitled 'An act to correct errors and supply omissions' in the Revised Statutes of the United States. It embraces over 70 different subjects, and the first section of the act declares that the amendments therein made are made 'for the purpose of correcting errors and supplying omissions' in the Revised Statutes 'so as to make the same truly express' the laws in force on December 1, 1873. There is no doubt that on December 1, 1873, the jurisdiction of the Federal courts over consular offenses was exclusive. In both Houses of Congress, when the bill was presented, as appears from the CONGRESSIONAL RECORD, Members were induced to withdraw proposed amendments on the positive assurance that this act contained no new legislation, and was solely for the purposes above expressed."

Believing that the jurisdiction of the Federal courts of suits against ambassadors, public ministers, and consuls should be exclusive, the committee has restored the clause and recommend its reenactment.

For that reason the eighth paragraph has been written into this law as a correct revision of the laws, correcting a mistake of omission on the part of Congress on the occasion of the former revision. I move the adoption of the section.

The section was agreed to.

Mr. BORAH. I have to be absent for a short time, and I have been requested to ask that sections 249 and 250 be passed over for to-day. I understand the Senator does not contemplate completing the bill to-day.

Mr. HEYBURN. Those are the injunction clauses?

Mr. BORAH. Yes.

Mr. HEYBURN. I have no objection to passing them over. I had hoped that we would pass them over for the present as we progressed with the bill and take them up at the end of the consideration. But if the Senator desires that they go over, of course we will have to accede to it.

Mr. BORAH. I would ask, at least, that they go over until the close of the consideration of the rest of the bill.

Mr. HEYBURN. That is much better, I think.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). If there is no objection, it is so ordered.

The Secretary read as follows:

SEC. 244. The Justices of the Supreme Court, the circuit judges, and the district judges, hereafter appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——— according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God."

Mr. HEYBURN. That is existing law; no change whatever.

The section was agreed to.

The Secretary read as follows:

SEC. 245. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. Any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor.

Mr. HEYBURN. The only change in that section from existing law consists in the dropping of the word "and," at the beginning of the last sentence of the section. It is done in the interest of better expression.

The section was agreed to.

The Secretary read as follows:

SEC. 246. When any judge of any court of the United States appointed to hold his office during good behavior resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at a time 10 years before his resignation.

Mr. HEYBURN. That is existing law.

The section was agreed to.

The Secretary read as follows:

SEC. 247. [Writs of ne exeat may be granted by any Justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any *district* judge, in cases where they might be granted by the *district* court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.]

Mr. HEYBURN. It is proper to state here that since circuit courts are by this bill to be abolished, the words "circuit justice" or "circuit judge" are omitted and the words "district judge" substituted, so that the jurisdiction now exercised by these officers will, by the change, be exercised by the district court and the district judge. The writ being ancillary to the exercise of original jurisdiction only, the power to issue it should be, and here is, confined to the Supreme Court and the district courts and their justices and judges. No other change has been made.

The section was agreed to.

The Secretary read as follows:

SEC. 248. [The Supreme Court and the district courts shall have power to issue writs of scire facias. *The Supreme Court, the circuit*

courts of appeals, and the district courts shall have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Mr. HEYBURN. It is proper to state here that the same changes that were made in the preceding section are made in this with reference to the naming of the courts.

The section was agreed to.

Mr. HEYBURN. I have, at the instance of my colleague, the Senator from Idaho, agreed to pass over sections 249 and 250.

Mr. OVERMAN. May I ask the Senator a question for information? Has the amendment adopted at the last Congress in the railroad bill in regard to injunctions been brought forward in this revision?

Mr. HEYBURN. That was confined only to the control of the State court.

Mr. OVERMAN. Yes.

Mr. HEYBURN. That is the distinction between the State and United States courts.

Mr. OVERMAN. The Federal courts——

Mr. HEYBURN. It would not be affected by this.

Mr. OVERMAN. Does not the Senator think that that law being part of the law of the United States ought to be brought forward in this revision?

Mr. HEYBURN. I have it here attached to the section. It will be section 251a.

Mr. OVERMAN. Ah; all right.

Mr. HEYBURN. But we are passing over the subject matter, and we are passing that over with it.

Mr. OVERMAN. That will be included in the revision?

Mr. HEYBURN. It will be considered in connection with those sections.

The Secretary read as follows:

SEC. 251. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy.

Mr. OVERMAN. What about this?

Mr. HEYBURN. I will say to the Senator from North Carolina that it is after that section that the section to which he refers will come in.

Mr. OVERMAN. Why not put it in now?

Mr. HEYBURN. Because I promised to pass over the subject matter.

Mr. OVERMAN. Very well.

The section was agreed to.

The Secretary read as follows:

SEC. 252. [Suits in equity shall not be sustained in *any* court of the United States in any case where a plain, adequate, and complete remedy may be had at law.]

The section was agreed to.

The Secretary read as follows:

SEC. 253. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said courts.

Mr. HEYBURN. That is the existing law without any change.

The section was agreed to.

The Secretary read as follows:

SEC. 254. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

The section was agreed to.

The Secretary read as follows:

SEC. 255. [The Judges of the Supreme Court and of the circuit *courts of appeals* and district courts, United States commissioners, and the judges and other magistrates of the several States, who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.]

Mr. HEYBURN. In view of the proposed abolishment of the circuit courts, the words "circuit courts of appeals" have been inserted in the second line of the section for "circuit courts," although the same judges are authorized to hold persons to security of the peace, etc. Commissioners of circuit courts, by the act of May 28, 1896 (2 Supp., 485), section 19, were abolished, and in lieu thereof United States commissioners were provided for, and the latter term has been substituted for the former in the section. These changes, however, make no change in the law. They are merely adjusted to legislation that has heretofore been enacted.

The section was agreed to.

The Secretary read as follows:

SEC. 256. [The district courts and the United States commissioners shall have power to carry into effect, according to the true intent and meaning thereof, the award or arbitration or decree of any consul, vice consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge, application for the exercise of such power being first made to such court or commissioner, by petition of such consul, vice consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice consul, or commercial agent: *Provided, however*, That the expenses of the said imprisonment and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.]

Mr. HEYBURN. That is existing law with the exception of the substitution of the names of the courts and of the commissioners.

The section was agreed to.

The Secretary read as follows:

SEC. 257. In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein.

The section was agreed to.

The Secretary read as follows:

SEC. 258. No clerk, *or* assistant or deputy clerk, of any Territorial, district, or circuit court *of appeals*, or of the Court of Claims or *of* the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in *any* of said courts, or in any district for which he is acting as such officer.

Mr. HEYBURN. The only changes in the existing law are the necessary words to conform it to the new organization of the courts.

The section was agreed to.

The Secretary read as follows:

SEC. 259. Whoever *shall* violate the *provisions of the* preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

Mr. HEYBURN. The changes are obvious on the face. They are shown by the italics. There is no change in the existing law.

The section was agreed to.

The Secretary read as follows:

CHAPTER 11.

JURIES.

Sec.
260. Qualifications and exemptions of jurors.
261. Jurors, how drawn.
262. Jurors, how to be apportioned in the district.
263. Race or color not to exclude.
264. Venire, how issued and served.
265. Talesmen for petit juries.
266. Special juries.
267. Number of grand jurors.
268. Foreman of grand jury.
269. Grand juries, when summoned.
270. Discharge of grand juries.
271. Jurors not to serve more once a year.
272. Challenges.
273. Persons disqualified for service on jury in prosecutions for polygamy, etc.

SEC. 260. Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions as jurors of the higest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 261, as follows:

SEC. 261. All such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than 300 persons possessing the qualifications prescribed in *the section last preceding*, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, *or by the judge senior in commission in districts having more than one judge*, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein.

Mr. HEYBURN. The only change there is in the reference to the section. The change is made necessary by subsequent legislation.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 262, as follows:

SEC. 262. Jurors shall be returned from such parts of the district from time to time as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or *unduly* burden the citizens of any part of the district with such service.

Mr. ROOT. Mr. President, I should like to ask the Senator from Idaho, What is supposed to be the effect of the omission which there appears to be—I may be mistaken—of the provision in old section 800? The provision was to this purpose:

The said courts may, by rule or order, conform the designation and impaneling of juries, in substance, to the laws and usages relating to jurors in the State courts, from time to time in force in such State.

It may be that it is an oversight on my part, but that appears to me to be omitted in the revision.

Mr. HEYBURN. Do I understand that the Senator is referring to section 262?

Mr. ROOT. No; to section 260, which appears in the report on page 481.

Mr. HEYBURN. The jury law of 1879 modified that statute and the section as read conforms to the existing law as modified at that time.

Mr. ROOT. The Senator's understanding is, then, that the provision to which I refer is practically repealed?

Mr. HEYBURN. Yes; by the changes in the act referred to. I see the Senator has the report before him. That gives the existing law written opposite the proposed section.

The PRESIDING OFFICER. Without objection, section 262 is agreed to.

The Secretary read section 263, as follows:

SEC. 263. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

The section was agreed to.

The Secretary read section 264, as follows:

SEC. 264. Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal in person, or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ. *Any person named in such writ who resides elsewhere than at the place at which the court is held, shall be served by the marshal mailing a copy thereof to such person commanding him to attend as a juror at a time and place designated therein, which copy shall be registered and deposited in the post office addressed to such person at his usual post-office address. And the receipt of the person so addressed for such registered copy shall be regarded as personal service of such writ upon such person, and no mileage shall be allowed for the service of such person. The postage and registry fee shall be paid by the marshal and allowed him in the settlement of his accounts.*

Mr. HEYBURN. It is proper to call attention to the fact that the first portion of that section, down to line 24, in roman is the existing law. The portion in italics has been incorporated because of the change of conditions since the law was enacted. It comes at the suggestion of the Department of Justice, and has been very thoroughly considered by the committee. The portion in italics is proposed because—

The present system of what is known as personal service was established at a time when the postal facilities were inadequate and precarious. This is no longer the case. There is now no more efficient or reliable agency in the service of the Government than its post-office establishment. Upon application to the department we were supplied with statistical information, which shows that only one registered letter in 1,000 fails to reach the person addressed. This proportion is considerably reduced when account is taken of errors in the addresses and removals and deaths of addressees. The Government intrusts matters of the highest importance to its mail, and makes it compulsory upon private citizens to act in the same confidence. There seems to be no reason why the service of venires, which requires only that the persons named shall be notified that their attendance is required at the time and place designated, should be an exception. The receipt of the person to whom the summons is addressed is made evidence of personal service. If it should occur that the summons did not reach such person, and the receipt was signed by another, upon the representation of those facts to the court they would unquestionably be accepted as an excuse for nonattendance. The saving of expense is the main consideration in support of this change. In districts of large area the mileage of field deputies when serving jurors amounts to a very considerable sum, and it would appear that this expense may wisely be saved.

It is really adjusting the law that was enacted before present conditions existed to the existing conditions.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 265, as follows:

SEC. 265. When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the bystanders sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in the preceding section.

Mr. HEYBURN. That is existing law, Mr. President.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 266, as follows:

SEC. 266. When special juries are ordered in any *district* court, they shall be returned by the marshal in the same manner and form as is required in such cases by the laws of the several States.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 267, as follows:

SEC. 267. Every grand jury impaneled before any district court shall consist of not less than 16 nor more than 23 persons. If of the persons summoned less than 16 attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

Mr. HEYBURN. That is existing law.

The section was agreed to.

The Secretary read section 268, as follows:

SEC. 268. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

Mr. HEYBURN. I move the adoption of the section.

The section was agreed to.

The Secretary read section 269, as follows:

SEC. 269. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found.

Mr. HEYBURN. There as a proposed committee amendment to section 269, which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 192, in line 20, insert before the word "And:"

If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury.

Mr. HEYBURN. This only carries into the section the amendment made by the act of March 28, 1910.

The amendment was agreed to.

The section as amended was agreed to.

Mr. CUMMINS. I wish to call the attention of the Senator in charge of the bill to page 65.

Mr. HEYBURN. That is section 79 of the bill.

Mr. CUMMINS. I offer an amendment, to be inserted after the word "December," in line 13, as follows:

And at Waterloo on the second Tuesday in May and September.

Mr. HEYBURN. There is no objection to that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the section as amended is agreed to. The next section will be read.

The Secretary read section 270, as follows:

SEC. 270. The district courts, the district courts of the Territories and the supreme court of the District of Columbia, may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary.

Mr. HEYBURN. That is existing law.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 271, as follows:

SEC. 271. [No person shall serve as a petit juror in any district court more than one term in a year; and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within one year prior to the time of such challenge.]

Mr. HEYBURN. This changes existing law by reducing the period during which a citizen is exempt from jury service from two years to one year.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 272, as follows:

SEC. 272. [When the offense charged is treason or a capital offense, the defendant shall be entitled to 20 and the United States to *six* peremptory challenges. On the trial of any other felony, the defendant shall be entitled to 10 and the United States to *six* peremptory chal-

lenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purpose of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers.]

Mr. HEYBURN. I desire to state that this is in the language of a bill which passed the Senate a few days since.

Mr. OVERMAN. In line 20 the section says "parties;" it does not use the word "defendants." Suppose there are three or four defendants in a criminal case.

Mr. HEYBURN. It is provided as to how they shall exercise their challenge.

Mr. OVERMAN. I understand; but there are 20 to one. Does each defendant have a peremptory challenge of 20?

Mr. HEYBURN. No.

Mr. OVERMAN. For three defendants it would be 60.

Mr. HEYBURN. That is provided for.

Mr. OVERMAN. The word "party" is used as if it were in a civil case:

And in all cases where there are several defendants or several plaintiffs the parties on each side shall be deemed a single party for the purposes of all challenges under this section.

How would it apply in a capital case where there are three defendants? Would there be 60 challenges?

Mr. HEYBURN. No; if they do not elect to try together they would have the number of challenges to which one was entitled.

Mr. OVERMAN. I do not think that is so expressed here. It ought to be, I think. The word "party" is used and not "defendant."

Mr. HEYBURN. I suppose the word "party" was intended to express the same meaning.

Mr. OVERMAN. I think so, but I ask the Senator if it does it?

Mr. HEYBURN. This being in both civil and criminal proceedings, the word "party" was deemed to be the most apt. I think the courts would have no difficulty.

Mr. OVERMAN. I think there is some doubt about that, but I make no objection to it.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read section 273, as follows:

SEC. 273. In any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman—

First, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable either by sections *1 or 3 of an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882*, or by section 5352 of the Revised Statutes of the United States, or the act of July 1, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah; or

Second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman.

Any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge; and other evidence may be introduced bearing upon the question raised by such challenge, and this question shall be tried by the court.

But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him *for any offense above named;* but if he declines to answer on any ground, he shall be rejected as incompetent.

Mr. HEYBURN. That is existing law. There are some portions of it in italics, but those changes were necessary in order to bring together and codify the several provisions of the law. There is no change in the law.

The PRESIDING OFFICER. Without objection, the section is agreed to.

The Secretary read as follows:

CHAPTER 12.

GENERAL PROVISIONS.

Sec.
274. Circuit courts abolished; records of to be transferred to district courts.
275. Suits pending in circuit courts to be disposed of in district courts.
276. Powers and duties of circuit courts imposed upon district courts.
277. References to laws revised in this act deemed to refer to sections of act.
278. Sections 1 to 5, Revised Statutes, to govern construction of this act.
279. Laws revised in this act to be construed as continuations of existing laws.
280. Inference of legislative construction not to be drawn by reason of arrangement of sections.
281. Act may be designated as "The Judicial Code."

SEC. 274. The circuit courts of the United States, upon the taking effect of this act, shall be, and hereby are, abolished; and thereupon, on said date, the clerks of said courts shall deliver to the clerks of the district courts of the United States for their respective districts all the journals, dockets, books, files, records, and other books and papers of or belonging to or in any manner connected with said circuit courts; and shall also on said date deliver to the clerks of said district courts all moneys, from whatever source received, then remaining in their hands or under their control as clerks of said circuit courts, or received by them by virtue of their said offices. The journals, dockets, books, files, records, and other books and papers so delivered to the clerks of the several district courts shall be and remain a part of the official records of said district courts, and copies thereof, when certified under the hand and seal of the clerk of the district court, shall be received as evidence equally with the originals thereof; and the clerks of the several district courts shall have the authority to exercise all the powers and to perform all the duties with respect thereto as the clerks of the several circuit courts had prior to the taking effect of this act.

Mr. FLINT. I wish to ask the Senator from Idaho if he expects to pass the bill this afternoon.

Mr. HEYBURN. I do not expect to complete the consideration of it, but I want in connection with this section to introduce some matters pertaining to it so that it will be in the RECORD in connection with the section.

Mr. FLINT. The only reason why I asked is because I have just received some letters which I have not had opportunity to examine, making protest against some provision of the bill, and I want to examine them before it is passed.

Mr. ROOT. Mr. President——

Mr. HEYBURN. If the Senator from New York will permit me, I want to make a formal amendment in the section before it is taken up.

Mr. ROOT. That is section 274.

Mr. HEYBURN. Yes; I want to insert, after the word "the" and before "authority," in line 2, on page 297, the word "same," so that it will read "the same authority."

Mr. President, I should like to make now a statement that properly goes with this proposed change, and then it will be in a convenient form for the consideration of Senators between now and the time when it may be taken up for final action.

The PRESIDING OFFICER. If there is no objection, the amendment will be agreed to.

Mr. HEYBURN. I desire to present a matter in connection with this proposed change, and I will ask Senators to give their special attention to it, because it raises a very important question. I desire first to introduce into the RECORD a letter which I will send to the desk to be read—that is, I send a copy; I have the original.

The PRESIDING OFFICER. The letter will be read as requested.

The Secretary read as follows:

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SIXTH CIRCUIT, JUDGES' CHAMBERS,
Cincinnati, November 3, 1899.

Hon. ALEX C. BOTKIN,
Hon. DAVID K. WATSON,
Hon. DAVID B. CULBERSON,
Commissioners—

Mr. HEYBURN. I will state that those men at that time constituted the commission.

The Secretary resumed and concluded the reading of the letter, as follows:

GENTLEMEN: We have read with much interest your proposed codification of the laws concerning the jurisdiction and practice of the courts of the United States and have especially noted with care the changes provided for in the district and circuit courts and the circuit court of appeals. We fully concur in your view embodied in the proposed legislation that there should be but one court of first instance, and we think that you have taken the wisest course in reaching that end by transferring all the jurisdiction of the existing circuit courts to the district courts.

The existence of the two courts of first instance has long been an anomaly, if not an absurdity, in the Federal judicial system, and their maintenance has been useful only as marking the unusual and in most respects praiseworthy conservatism which Congress has shown in dealing with proposed changes in the organization of the Federal courts. * * *

Respectfully, (Signed) WM. H. TAFT,
HORACE H. LURTON,
WM. R. DAY,
Judges of the Circuit Court of Appeals for the Sixth Circuit.

Mr. HEYBURN. In further assistance to those who may want to consider it, I send to the desk a document which gathers up and presents all that has heretofore occurred in connection with this legislation. I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

A SHORT HISTORY RESPECTING THE ORIGIN OF THE PENDING BILL (S. 7031) TO CODIFY, REVISE, AND AMEND THE LAWS RELATING TO THE JUDICIARY.

In the Senate proceedings of February 27, 1899 (RECORD, p. 2432), appears the following:

"Mr. HOAR. I ask leave to introduce a bill for reference to the Committee on the Judiciary. The bill relates to a very important sub-

ject, the reconstruction of the district and circuit courts of the United States and their relation to each other. It has been drawn by a committee of the American Bar Association, who had the matter before them for nearly a year. I wish to invite the attention of Members of the Senate to the bill during the recess."

The bill so introduced became S. 5584, entitled "A bill in relation to the courts of the United States."

Senator Hoar then continued (RECORD, p. 2432):

"I move that a letter relative to the subject, from the chairman of the committee of the American Bar Association, be printed as a document."

The motion was agreed to.

The letter referred to was printed and became Senate Document 142, third session Fifty-fifth Congress.

On February 28, 1899 (RECORD, p. 2553), the Senate having under consideration the sundry civil bill, Senator Hoar offered the following amendment:

"Mr. HOAR. By direction of the Committee on the Judiciary, I offer an amendment to come in on page 124, after line 14, which has been submitted to the chairman of the Committee on Appropriations.

"The SECRETARY. On page 124, after line 14, it is proposed to insert:

"'It shall be the duty of the commission appointed to revise and codify the criminal and penal laws of the United States to revise and codify the laws concerning the jurisdiction and practice of the courts of the United States, including the judiciary act, and any amendment thereof and supplemental thereto, and all acts providing for the removal, appeal, and transfer of cases.'

"Mr. ALLISON. That amendment requires unanimous consent, but I do not object to it."

The amendment was agreed to.

That amendment, with slight modification, became a part of the sundry civil act of March 3, 1889, and is to be found in 30 Statutes at Large, page 1116.

[Senate Document No. 142, Fifty-fifth Congress, third session. Feb. 27, 1899.—Ordered to be printed.]

COURTS OF THE UNITED STATES.

Mr. Hoar presented the following letter from Edward Wetmore on behalf of the American Bar Association, concerning the bill (S. 5584) in reference to the courts of the United States:

NEW YORK CITY, *February 25, 1899.*

DEAR SIR: The American Bar Association, in pursuance of a suggestion received from yourself, appointed a committee to consider the subject of the Federal courts, and the proposed bill, which I inclose, is the result of their labors and has the approval of the association. If it meet with your own approval, will you kindly introduce it in the Senate?

In preparing the bill the committee by correspondence and personal interviews obtained the views and suggestions of the Federal judges throughout the United States, and also of a large number of those in different parts of the country who, professionally or otherwise, were familiar with the working of the courts and seemed best able to throw light upon the question of what changes were needed. The following is a brief statement of the general scope and object of the bill and the reasons for some of its particular enactments. Our purpose was to make as few changes as possible consistent with the accomplishment of the main purposes of the act.

The main scope and object of the law is (1) to consolidate the district and circuit courts into a single court; (2) to augment the present provisions of law for the assignment of the judges for duty elsewhere than in their own districts so as to facilitate the accomplishment of the judicial business of the courts of first instance, which has become greatly congested; and (3) to enlarge the powers of appeal in some particular cases where such enlargement seems necessary.

The first three sections relate to the consolidation of the courts by transferring the powers, duties, and jurisdiction of the circuit courts to the district courts of the United States. This was deemed the best and safest way of bringing about the result instead of, in terms, abolishing the circuit courts. Practically, of course, it is the same as if the circuit courts ceased to exist.

The second section provides specifically for supervisory proceedings, appeals, and writs of error, in order to adapt them to the single court, and the third section for the same reason makes specific provision in regard to the Justices of the Supreme Court as to sitting in the circuits and like matters. The desirability of having but a single court instead of the present circuit and district courts, and thus securing the advantages of simplicity, uniformity, and economy in the exercise of its jurisdiction, is so universally admitted that it is unnecessary to discuss the expediency of this provision of the law.

Section 4 relates to the clerks. The committee have been very desirous of avoiding, if possible, the necessity of legislating any of the clerks out of office, but it seems impossible to avoid this in circuits where there are two or more clerks and different persons hold the office of clerk of the circuit and district court, respectively. Our proposal is to retain the present clerks where the same person performs the duty of district and circuit court clerk, and in the other cases leave the appointment of the clerk to the court, as provided in the section, and this will leave it possible to appoint the remaining clerk who may not be chosen first deputy. We did not see how it was possible to have two clerks, nor could we recommend that the deputy be paid the same salary that the clerk now receives. If any other way should occur to the Judiciary Committee of dealing with this question, so far as the proposers of the bill are concerned, we have merely suggested what seemed to us, on the whole, the best arrangement, and we shall leave it with the committee without argument to accept or modify it as may be deemed best.

Section 5 was inserted to provide against the possibility that, should the act go into effect, service in the circuit court prior to the taking effect of the act might not be deemed to be included in the period of service entitling the judge to a pension.

Section 6 provides for the assigning of the judges in one district to serve in another when pressure of business may make such assignment desirable. This is one of the provisions relating to the relief of the lower Federal courts in consequence of the large amount of business thrown upon them, and is urgently needed.

Section 7 was framed after much consultation. It relates to the court of appeals and provides that it shall consist of three judges, and by section 10 it is provided that the court of appeals judges may sit at nisi prius when assigned thereto. It is believed that the result of these two provisions, together with the provision of section 11, which provides for the circulation of the judges of the courts of appeals, will result in giving the judges of the courts of appeals sufficient work at nisi prius to keep them in touch with that branch of the judicial duties, while, on the other hand, the courts of appeals will be kept sufficiently distinct from the lower courts, and the tendencies operating to give them a local character will be checked. Under the present law all our circuit courts of appeals tend to become, in some degree, local courts, their decisions naturally taking some of the local hue and character of the part of the country to which their jurisdiction is confined. In the aggregate they exercise a considerable part of the jurisdiction formerly exercised by the Supreme Court of the United States, and it is highly desirable that, in the exercise of this jurisdiction, their decisions should be brought as near as possible to the standard of uniformity that prevails in a single court, and we think that the provisions of this proposed act, above refrred to, will aid in bringing about that result.

Section 8 merely provides for the same traveling fees as are now provided by law, and needs no comment.

Section 9 somewhat enlarges the present right of appeal by granting appeals as of right to the Supreme Court where there is a conflict of decision between the courts, or in cases where the judges of the lower court and of the court of appeals, taken together, divide evenly, and, further, by allowing the circuit court of appeals to permit an appeal to the Supreme Court in any case. The usefulness and necessity of the circuit courts of appeals is fully recognized. They serve to relieve the Supreme Court of the pressure of business which would otherwise be overwhelming; but, as already stated, the great desideratum in regard to these courts is to preserve uniformity of decision and to have the supervisory jurisdiction of the Supreme Court felt throughout the system. For this purpose it is highly desirable that the decisions of the circuit courts of appeals should be corrected by the Supreme Court where they are conflicting, and that the court of appeals itself should have power to send any case to the Supreme Court which they may think a proper one for review.

They can now certify particular questions, but in practice this is not found to be, in general, a satisfactory method of appeal, and it makes no saving in time or expense that compensates for its disadvantages. Cases may arise where this method is very desirable, but it is not sufficiently comprehensive to meet the needs of the situation. While this provision may slightly increase the number of cases upon the docket of the Supreme Court, there is no reason to believe that it will do so to such an extent as to seriously inconvenience that court, and we believe the measure is most salutary in giving to the people of the United States the benefit of the final determination of judicial questions by that high tribunal which it was the intention of the Constitution to secure, and from sheer necessity the creation of the circuit courts of appeals is somewhat abridged. Everyone, we are sure, will concur in the opinion that that abridgment should be as small as experience shows may be possible.

Section 10 applies to appeals from orders in regard to injunctions and receivers. The object is to secure a speedy appeal in such cases to the circuit court of appeals, and likewise to confer upon the appellate court or a judge thereof full power to grant a stay of proceedings. This, as experience shows, is a most necessary provision. Most valuable interests may be put in jeopardy or destroyed by injunction or receiver orders or by the denial of such orders, and it is highly desirable in every case that their propriety should be reviewed by the appellate court and in the meantime that the property or interest affected may be preserved. The expediency of this provision, so far as we can learn, has been universally recognized.

Section 11 and section 12 relate to the assignment of judges of the courts of appeals, the reasons for which have already been discussed.

The committee made no provision in regard to the salaries of the United States judges, but we are profoundly convinced that both justice and the good of the public service requires that these salaries should be increased, at least for those judges who are compelled to live and perform their duties in parts of the country where the expenses of living are heavy. The utmost difficulty is found in obtaining men of the first rank in their profession to accept places upon the Federal bench, much as they would desire to do so, because they can not afford to leave their private practice and cripple themselves from making any adequate provision for their families by accepting the small salaries the law now allows. The result of this is that the possession of a private fortune is, in most of the circuits, if not a prerequisite, at least a consideration of great weight in determining the question of accepting an appointment to the Federal judiciary, and this result is one to be avoided. We hope, therefore, most earnestly that Congress may entertain some measure for relief in this respect, but we did not feel that it fell within the scope of the duties with which we were intrusted to make such a provision in the act herewith submitted.

Very respectfully, yours,

EDMUND WETMORE.

Hon. GEORGE F. HOAR,
United States Senate, Washington, D. C.

[Fifty-fifth Congress, third session. In the Senate of the United States, Feb. 27, 1899. Mr. Hoar introduced the following bill, which was read twice and referred to the Committee on the Judiciary:]

A bill (S. 5584) in relation to the courts of the United States.

Be it enacted, etc., That all the powers, duties, and jurisdiction heretofore conferred or imposed upon or exercised by the several circuit courts of the United States are hereby conferred and imposed upon, and shall be hereafter exercised by, the district courts of the United States within their respective districts; and all the powers, duties, and jurisdiction heretofore conferred or imposed upon or exercised by the several judges of the circuit courts of the United States are hereby conferred and imposed upon, and shall be hereafter exercised by, the judges of the district courts of the United States within their respective districts. Such courts shall be, and be termed in all papers, actions, and proceedings, district courts of the United States. All suits and processes, civil and criminal, originally returnable to the United States circuit court in each district and pending and undetermined therein at the time that this act takes effect shall be transferred to the respective district courts of such districts and entered upon the dockets thereof, and such district courts shall have jurisdiction thereof.

SEC. 2. That all proceedings of a supervisory nature under any statute of the United States now pending in any circuit court in any district, including those referred to in chapter 407 of the laws of 1890, section 15; chapter 370 of the laws of 1898, section 4, and sections 1493 to 1496 of the Revised Statutes of the United States shall be transferred to and decided by the district court of the district in which such proceedings are now pending. Appeals and writs of error shall

hereafter be taken and prosecuted from the orders, judgments, and decrees of the United States district courts to the Supreme Court of the United States, or to the circuit court of appeals for the circuit in which any district is situated, in the same manner and under the same regulations as appeals and writs of error are taken and prosecuted under existing laws from the circuit courts of the United States to the Supreme Court of the United States and to the circuit courts of appeals, excepting appeals in prize cases, which shall be governed by the law now existing as to such appeals.

SEC. 3. That all existing provisions of law relating to the jurisdiction, powers, and duties of the Chief Justice and the Associate Justices of the United States in respect of the circuit courts of the United States as the said courts have existed prior to the passage of this act shall relate and apply to the United States district courts.

SEC. 4. That the office of clerk of the United States circuit court in the several districts is hereby abolished, and the duties of such clerks shall in each district be performed by the clerks of the district courts. The records of the circuit court for each district shall be transferred to the custody of the clerk of the district court for that district. Any person now holding both the office of clerk of the circuit court and clerk of the district court in any district or in any division of any district shall retain the office of clerk of the district court, subject to the provisions of existing laws. In any district or division of a district in which the offices of clerk of the circuit court and clerk of the district court are now held by different persons, the office of clerk of the district court shall be vacated, and a clerk of the district court shall be appointed by the district judge of such district, subject to the approval of a majority of the judges of the United States circuit court of appeals for the circuit in which such district is situated.

SEC. 5. That nothing herein contained shall be construed to affect any provision of law relating to pensions allowed to judges of Federal courts, howsoever denominated. Service of a judge in any Federal court shall be included in the period of service which under existing law shall entitle him to a pension.

SEC. 6. That whenever from the accumulation or urgency of business in any district court as herein constituted the public interests require the designation and appointment hereinafter provided, the presiding judge of the United States circuit court of appeals in each circuit, or in case of his disability or absence the judge of said court next senior in commission, may designate and appoint the judge of any other district in the same circuit to have and exercise in the district first named the same powers that are vested in the judge thereof. In case of the legal disqualification, disability, or absence from the district of the district judge thereof, in which district any action, suit, or proceeding is pending, any district judge of the same circuit shall have power and authority to make any order necessary or proper in such action, suit, or proceeding.

SEC. 7. That the United States circuit courts of appeals in each circuit as now defined shall consist of three judges, of whom two shall constitute a quorum, to be hereafter denominated circuit judges of appeals, which three judges shall include the present circuit judges in each circuit; and in circuits where the number of circuit judges is now less than three an additional circuit judge of appeals shall be appointed by the President, by and with the advice and consent of the Senate. Until such appointment two circuit judges of appeals may hold such courts in circuits where the appointment of an additional judge is hereby authorized. Only circuit judges of appeals shall sit in said circuit courts of appeals.

SEC. 8. That any Federal judge who shall hold court in any place other than that of his residence shall be entitled to the same compensation for travel and attendance as provided by section 8 of an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

SEC. 9. That a writ of certiorari shall issue from the United States Supreme Court, as of right, to review any final judgment or decree of any United States circuit court of appeals, when it shall appear on petition, filed within six months after such judgment or decree shall be entered, that there is a conflict between the decision of the United States circuit court of appeals in that case and a decision of the United States Supreme Court or of any other United States circuit court of appeals on any question of law involved in the decision of such case. An appeal or writ of error in respect of any judgment or decree of the circuit court of appeals to the Supreme Court shall be had in any case by leave of said circuit court of appeals, or in any case in which the final judgment or decree of a United States district court shall have been reversed without the concurrence of all the circuit judges of appeals before whom the hearing is had in the circuit court of appeals, but the appeal or writ of error shall be taken or sued out within 30 days from the entry of such judgment or decree.

SEC. 10. That the United States circuit court of appeals in each circuit shall have appellate jurisdiction to hear and determine an appeal from interlocutory orders and decrees, appointing or refusing to appoint or discharging or refusing to discharge, receivers, or granting or refusing to grant injunctions, notwithstanding an appeal in such cases might, upon final decree, under the statutes regulating the same, go directly to the Supreme Court of the United States. Such appeals must be taken within 30 days after the entry of the interlocutory order or decree; and in case of appeal to the circuit court of appeals from any order or decree in equity of the district court, the circuit court of appeals, or any judge thereof, shall have power by order at any time to stay all proceedings under such order or decree pending the appeal, and to make such orders as to injunctions, receivers, or otherwise, as may be necessary or proper to protect the rights of persons interested, pending the appeal.

SEC. 11. That any United States circuit judge of appeals shall, when specially assigned in the manner hereinbefore provided for the assignment of district judges, and not otherwise, hold court alone or in conjunction with a district judge in any district in the circuit, but no such judge shall sit in the United States circuit court of appeals in review of his own rulings.

SEC. 12. That the Chief Justice of the Supreme Court of the United States, or, in case of his absence from the country or disability, the Associate Justice senior in commission, shall have power to assign any circuit judge of appeals to sit in any circuit court of appeals in the United States, or in the district court of any circuit other than that of which he is a circuit judge of appeals. It shall be the duty of the Chief Justice, or Associate Justice, as above provided, to make such assignments from time to time as will secure at the sittings of each of the several circuit courts of appeals as constantly as practicable the presence of at least one judge from another circuit.

SEC. 13. That this act shall take effect and be in force from and after three months from the passage thereof.

Statement showing the number of days during the calendar year 1908 the circuit judges were present and held circuit court, and the number of days the district judges were present and held circuit court.

District.	Number days circuit judges present.	Number days district judges present.
Alabama:		
Northern	21	264
Middle		78
Southern		212
Arkansas:		
Eastern—		
Little Rock		227
Batesville		6
Helena		10
Western—		
Fort Smith		232
Texarkana		17
Harrison		13
California:		
Northern	32	318
Southern	12	146
Colorado		184
Connecticut	8	101
Delaware	203	207
Florida:		
Northern		198
Southern		214
Georgia:		
Northern	148	211
Southern		203
Indiana	21	224
Idaho		130
Illinois:		
Northern	470	434
Eastern		312
Southern		290
Iowa:		
Northern		224
Southern		86
Kansas		138
Kentucky:		
Eastern—		
Covington		68
Frankfort		15
Western—		
Louisville		209
Paducah		7
Louisiana:		
Eastern	42	194
Western		37
Maine	34	236
Maryland	2	184
Massachusetts	398	263
Michigan:		
Eastern		262
Western	1	197
Minnesota	85	569
Mississippi:		
Northern		32
Southern		51
Missouri:		
Eastern—		
Eastern division	19	211
Northern division		10
Western—		
Central division		7
St. Joseph division		13
Southern division		14
Western division		194
Montana		286
Nebraska		559
New Hampshire	2	35
Nevada		137
New Jersey		327
New York:		
Northern		114
Eastern		262
Western	1	152
Southern	135	432
North Carolina:		
Eastern—		
Raleigh		77
Newbern		4
Wilmington		15
Elizabeth City		
Washington	2	2
Western—		
Greensboro		92
Asheville	163	54
Statesville		30
Wilkesboro		4
North Dakota		242
Oregon	27	282
Ohio:		
Northern		257
Southern		566
Oklahoma:		
Eastern		247
Western		149
Pennsylvania:		
Eastern	17	456
Middle		271
Western	147	102
Rhode Island	23	279
South Dakota		279
South Carolina		292

Statement showing the number of days during the calendar year 1908 the circuit judges were present and held circuit court, etc.—Continued.

District.	Number days circuit judges present.	Number days district judges present.
Tennessee:		
Eastern		76
Middle	97	55
Western		103
Texas:		
Northern		100
Eastern		117
Southern		97
Western		128
Utah		113
Vermont		55
Virginia:		
Eastern	36	168
Western—		
Abingdon		10
Danville		21
Harrisonburg		4
Lynchburg		114
West Virginia:		
Northern	18	115
Southern		115
Wyoming		58
Wisconsin:		
Eastern	10	256
Western—		
Madison		113
La Crosse		13
Washington:		
Eastern		212
Western		268
Total	2,175	15,771

RECAPITULATION.

	Days.
Circuit judges held circuit court	2,175
District judges held circuit court	15,771
In 9 districts the circuit judges held circuit court	1,826
In 43 districts the circuit judges held circuit court	349

In 25 districts the circuit judges did not hold circuit court.

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SIXTH CIRCUIT, JUDGES' CHAMBERS,
Cincinnati, November 3, 1899.

GENTLEMEN: We have read with much interest your proposed codification of the laws concerning the jurisdiction and practice of the courts of the United States and have especially noted with care the changes provided for in the district and circuit courts and the circuit court of appeals. We fully concur in your view embodied in the proposed legislation that there should be but one court of first instance and we think that you have taken the wisest course in reaching that end by transferring all the jurisdiction of the existing circuit courts to the district courts.

The existence of the two courts of first instance has long been an anomaly, if not an absurdity, in the Federal judicial system, and their maintenance has been useful only as marking the unusual and in most respects praiseworthy conservatism which Congress has shown in dealing with proposed changes in the organization of the Federal courts. * * *

Respectfully, (Signed) WM. H. TAFT,
HORACE H. LURTON,
WM. R. DAY,
Judges of the Circuit Court of Appeals for the Sixth Circuit.

Hon. ALEX C. BOTKIN,
Hon. DAVID K. WATSON,
Hon. DAVID B. CULBERSON,
Commissioners.

DEPARTMENT OF JUSTICE,
UNITED STATES CIRCUIT AND DISTRICT COURTS,
SOUTHERN DISTRICT OF WEST VIRGINIA,
OFFICE OF THE CLERK,
Charleston, W. Va., January 3, 1911.

Hon. R. O. MOON, *Washington, D. C.*

DEAR SIR: I beg to acknowledge the receipt of a copy of bill to revise the laws relating to the judiciary, and desire to thank you very much for your courtesy in forwarding the same. I have followed with close attention and with a great deal of pleasure the progress of this measure in Congress and trust that you will not think me presumptious in expressing my appreciation of your speech upon the presentation of this bill and the debate thereon.

While it may sound rather strange to you to be informed that there is one circuit clerk who heartily approves of this legislation, yet such is the case of the writer. I believe that the cumbersome organization of both a circuit and district court as now carried on is absolutely unnecessary and that Congress should make this change. * * *

Very respectfully,
(Signed) EDWIN M. KEATLEY.

Mr. HEYBURN. I suggest that the proceedings of the American Bar Association for 1898 will give to Senators a very thorough consideration of this matter.

The PRESIDING OFFICER. Without objection, the section is agreed to as amended.

Mr. HEYBURN. I think Senators desire to be heard on it.

Mr. ROOT. I hardly think the Senator from Idaho means to press for a vote on the section now. Does it not involve the Senate in a decision upon the question whether we shall consolidate the circuit courts and district courts and have but one court? I rather assume that the paper which the Senator put in was designed for the consideration of the Senate before it passed on that question.

Mr. HEYBURN. Yes; I anticipated that.

Mr. ROOT. I am free to say that in principle I incline toward the measure of consolidation. I have had, however, a number of communications from very able and experienced lawyers pointing out some respects in which they have thought, particularly in some of our eastern circuits, injury would be done, and I would like to make it certain that the difficulties they mention have been guarded against.

I think it is quite probable that they can all be guarded against by suitable provisions, and I do not doubt that the committee, which has given to this measure such painstaking and thorough attention, for which we all ought to be grateful to them, have intended to guard against the difficulties to which these gentlemen have referred. But perhaps I ought to make scrutiny before to see whether from the standpoint of the second circuit and the third circuit the provisions intended for that purpose are adequate. I am not ready now to reach a conclusion upon that question. So I should hope that we will not pass upon it now.

Mr. HALE. Mr. President, I have had within a day or two letters in relation to this commingling of the circuit and district courts raising important questions in regard to it. So far as the doing of business and the convenience to suitors and the arrangement of the docket, as the Senator from Idaho knows and as the Senator from New York knows, there is what I may call a general consolidation of business by the different judges. I do not understand that there is any jealousy or rivalry between the judges, but that in the different circuits everything is arranged to the satisfaction of all the judges. I agree with the Senator from New York that as these questions have been raised it is better not to absolutely determine this matter now, but to give a little more consideration to it.

Mr. HEYBURN. Mr. President, I thoroughly concur in the sentiments expressed by the Senator from Maine. We have now reached the last chapter, except the chapter containing the repealing provisions, and I shall ask that chapter 12, which contains only four or five sections that deal with this question, shall go over. I hope to have the consent of the Senate at as early a day as is practicable to take up this bill for its completion. We have passed over a few other sections.

Mr. HALE. I do not think the Senator will have any trouble, Mr. President, in completing the bill, which is a very important one. It has been conducted with great care, as well as dispatch, by the Senator. I do not think, in the condition of the business of the Senate, there will be any difficulty in getting his bill up and finishing it at a very early day.

Mr. HEYBURN. I should like to state for the information of the Senate that a similar bill is pending elsewhere, that these bills are moving toward each other, and we want to get them into conference at as early a date as is possible.

Mr. HALE. That is the Moon bill in the other House, is it not?

Mr. HEYBURN. Yes. The same bill was introduced in both Houses. I ask that the bill be laid aside for the present.

Mr. CRAWFORD. Before the bill is laid aside I wish to say that there was a section adopted, section 104, fixing the divisions in which courts shall be held in the State of South Dakota as to which the Representatives from that State desire to have a little shifting of the counties for convenience sake. I do not think there will be any objection to the proposed change.

Mr. HEYBURN. I would say to Senators in regard to the sections which relate to the arrangement of the counties into districts that, if they will prepare their amendments, the committee is not at all disposed to raise objection to such amendments.

Mr. CRAWFORD. I have prepared an amendment to the section, which I desire to submit.

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

The SECRETARY. In section 104 it is proposed to amend by striking out the word "Lyman," in line 19; the words "in the Crow Creek, Lower Brule, and" in lines 20 and 21; also by inserting after the word "Stanley," in line 5, page 54, the word "Lyman," and after the word "Sully," in line 5, page 54, inserting the words "and in the Crow Creek and Lower Brule Indian Reservation;" also strike out of lines 23, 24, and 25, page 53, the words "Armstrong" and "Dewey," and after the word "Potter," in line 5, page 54, insert the words "Armstrong," "Dewey;" also strike out of lines 6 and 7, page 54,

the words "and that portion of the Standing Rock Indian Reservation lying within South Dakota;" and in line 2, page 54, insert the words "and that portion of the Standing Rock Indian Reservation lying within South Dakota."

Mr. CRAWFORD. I merely desire to say that these amendments were agreed upon to correspond with changes made in the other House.

Mr. HEYBURN. I should like to ask the Senator if that conforms to the amendment agreed upon elsewhere.

Mr. CRAWFORD. Yes; it has been so reported to me.

Mr. HEYBURN. Because of the suggestions that were made there, the section has been redrawn; and if the Senator knows the fact that it will conform to those changes, I will ask that what I send to the desk be substituted for the section as it appears in the printed bill. I will ask that it be submitted to the Senator from South Dakota and that the section go over, so that he may have time to compare it.

Mr. CRAWFORD. That is satisfactory.

The PRESIDING OFFICER. The section will go over.

ADJOURNMENT TO MONDAY.

Mr. CARTER. Mr. President, I desire to inquire of the chairman of the Committee on Appropriations whether or not any appropriation bill is likely to be ready for consideration to-morrow. I make the inquiry because of a number of committee meetings arranged for to-morrow, the pressing character of the work to be disposed of, and the necessity of devoting the day to committee work, if such course is not inconsistent with the program of the Committee on Appropriations. I observe, by reference to the calendar notices, that there is no special work laid out for to-morrow by previous notice.

Mr. HALE. Mr. President, by leave of the Senator from Idaho [Mr. HEYBURN], I will say that the Senate made such dispatch of the legislative appropriation bill that no other bill of appropriations will be before the Senate this week. I do not find on the calendar any notice of the desire of any Senator to address this body to-morrow, and therefore I can answer the Senator that, so far as I know, the dispatch of public business is not likely to be advanced by a session to-morrow.

The junior Senator from Idaho [Mr. BORAH] the other day grumbled because, as he said, while I was urging the Senate to proceed to the consideration of business from day to day, I always moved to adjourn over on Thursday or Friday. I feel that this matter should be left entirely to the action of the Senate. I have stated what the condition is. I do not know of any business to-morrow that will occupy the Senate.

Mr. OVERMAN. Mr. President, if the Senator will allow me, I hope the Senate will adjourn until Monday.

Mr. HEYBURN. Mr. President, if I may interrupt this discussion for a moment, I dislike to have a part of a measure dissociated in the RECORD, and I was going to state just what sections remained for consideration in connection with the bill. It will help out.

Mr. HALE. If the Senator will wait for a moment this matter will be disposed of.

Mr. HEYBURN. Very well, but it has cut off the discussion on the other bill already.

Mr. OVERMAN. Mr. President, I was going to say that the proposition appeals to me, for I have on my desk, and I have no doubt many other Senators have on their desks, a great deal of work that must be gotten rid of in some way. I have a great many matters that have been referred to me that I wish to consider. After committee meetings in the morning we come here and work all day. I myself would like—and I have no doubt other Senators have the same feeling—some time when we can dispose of those pressing matters, so that we can attend to the business before us as individual Senators.

Mr. HALE. Under the conditions, Mr. President, I will move, and leave it to the Senate of course, that when the Senate adjourns to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. HEYBURN. Mr. President, before laying it aside I desire to state the status of the code bill as follows: The Senate has had the bill under consideration as in Committee of the Whole and has passed over sections 1, 2, 4, 28, 51, 55, 69, 123, 225, 229, 231, 234, 235, 237, 250, and 251, and has reached the consideration of chapter 12. There remain to be considered, in addition to those sections passed over, only chapter 12 and the repealing clauses of chapter 13. This statement will enable Senators to look up the sections that have been passed over and be prepared for the consideration of them when they are taken up. I now ask that the bill be laid aside.

Mr. MARTIN. Before the bill is laid aside I desire to submit an amendment, following section 251. I ask that it be read, printed, and lie on the table.

The PRESIDING OFFICER. Without objection, the Secretary will read the proposed amendment.

The SECRETARY. After section 251 it is proposed to insert a new section, to be marked section 251a, as follows:

SEC. 251a. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his or her or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

The PRESIDING OFFICER. The proposed amendment will lie on the table and be printed.

TOMBIGBEE RIVER BRIDGE.

Mr. PERCY. I ask unanimous consent for the present consideration of the bill (S. 10304) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

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

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

YELLOW FEVER COMMISSION.

Mr. OWEN. Mr. President, I submit a resolution, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read for information, subject to objection.

The Secretary read the resolution (S. Res. 330), as follows:

Resolved, That there be printed, with accompanying illustrations, for the use of the Senate 3,000 copies of the compilation relative to the work of Maj. Walter Reed and the Yellow Fever Commission.

Mr. KEAN. I will inquire if the matter has been submitted to the Committee on Printing.

Mr. OWEN. No, sir.

Mr. KEAN. I suggest that the resolution be referred to the Committee on Printing.

Mr. OWEN. I have no objection to that course, if the Senator desires it.

Mr. KEAN. Has the Senator had an estimate made as to the cost of the work?

Mr. OWEN. No.

Mr. KEAN. Then I suggest that the resolution be referred to the Committee on Printing.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. CULLOM. 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 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 30, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1911.

COLLECTOR OF CUSTOMS.

Frederick C. Harper, of Washington, to be collector of customs for the district of Puget Sound, in the State of Washington. (Reappointment.)

UNITED STATES MARSHALS.

Sidney E. Hawley, of Connecticut, to be United States marshal for the district of Connecticut, vice Edson S. Bishop, whose term has expired.

George H. Green, of Texas, to be United States marshal, northern district of Texas. (A reappointment, his term expiring March 2, 1911.)

Calvin G. Brewster, of Texas, to be United States marshal, southern district of Texas. (A reappointment, his term having expired.)

POSTMASTERS.

ALABAMA.

Nelson C. Fuller to be postmaster at Centerville, Ala., in place of Nelson C. Fuller. Incumbent's commission expired January 10, 1911.

George L. Malone to be postmaster at Fort Payne, Ala., in place of Ella G. Nix. Incumbent's commission expired December 12, 1909.

Charles W. Moore to be postmaster at Florence, Ala., in place of Albert G. Negley. Incumbent's commission expired June 29, 1910.

ARKANSAS.

Hiram L. Throgmorton to be postmaster at Pocahontas, Ark., in place of Hiram L. Throgmorton. Incumbent's commission expires January 31, 1911.

CALIFORNIA.

Crispin C. Ortega to be postmaster at Sonora, Cal., in place of Crispin C. Ortega. Incumbent's commission expired January 23, 1911.

Morton E. Simmons to be postmaster at Chino, Cal., in place of Morton E. Simmons. Incumbent's commission expired January 10, 1911.

William N. Speegle to be postmaster at Eureka, Cal., in place of Thomas H. Selvage. Incumbent's commission expired January 29, 1910.

Helen C. Thompson to be postmaster at Stanford University, Cal., in place of Helen C. Thompson. Incumbent's commission expired December 17, 1910.

COLORADO.

John H. Williams to be postmaster at Saguache, Colo. Office became presidential January 1, 1911.

CONNECTICUT.

Harvey S. Abel to be postmaster at Stafford Springs, Conn., in place of Harvey S. Abel. Incumbent's commission expires February 18, 1911.

Charles A. Keyes to be postmaster at Southington, Conn., in place of Charles A. Keyes. Incumbent's commission expires February 18, 1911.

Nathaniel P. Noyes to be postmaster at Stonington, Conn., in place of Nathaniel P. Noyes. Incumbent's commission expires February 20, 1911.

Edwin F. Tomlinson to be postmaster at Plainville, Conn., in place of Edwin F. Tomlinson. Incumbent's commission expires February 28, 1911.

ILLINOIS.

Clarence F. Buck to be postmaster at Monmouth, Ill., in place of Clarence F. Buck. Incumbent's commission expired January 9, 1911.

John B. Candry to be postmaster at Benld, Ill. Office became presidential July 1, 1910.

Albert W. Errett to be postmaster at Kewanee, Ill., in place of Albert W. Errett. Incumbent's commission expires February 4, 1911.

Riley M. Garman to be postmaster at Forreston, Ill., in place of Riley M. Garman. Incumbent's commission expires February 4, 1911.

Edward E. Gott to be postmaster at Norris City, Ill., in place of Edward E. Gott. Incumbent's commission expires February 12, 1911.

Louis Kaul to be postmaster at Tamaroa, Ill., in place of Lewis J. Farmer, deceased.

William S. McConnell to be postmaster at Woodstock, Ill., in place of Charles F. Renich, resigned.

Andrew J. Pickrell to be postmaster at Anna, Ill., in place of Andrew J. Pickrell. Incumbent's commission expires January 29, 1911.

Peter Thomsen to be postmaster at Fulton, Ill., in place of Peter Thomsen. Incumbent's commission expires February 2, 1911.

INDIANA.

James P. Clark to be postmaster at Morocco, Ind., in place of James P. Clark. Incumbent's commission expired January 8, 1911.

IOWA.

George Hardenbrook to be postmaster at Maxwell, Iowa, in place of George Hardenbrook. Incumbent's commission expires February 28, 1911.

Isaac Hossler to be postmaster at Battle Creek, Iowa, in place of Isaac Hossler. Incumbent's commission expires January 31, 1911.

J. M. Lee to be postmaster at Lone Tree, Iowa, in place of James M. Carl. Incumbent's commission expires January 31, 1911.

Simon J. Mak to be postmaster at Inwood, Iowa, in place of Simon J. Mak. Incumbent's commission expired January 9, 1911.

Louis H. Schulte to be postmaster at Remsen, Iowa, in place of Louis H. Schulte. Incumbent's commission expires February 28, 1911.

Eunice A. Underhill to be postmaster at Ocheydan, Iowa, in place of Eunice A. Underhill. Incumbent's commission expires February 28, 1911.

KANSAS.

Austin Brown to be postmaster at Cedar Vale, Kans., in place of Austin Brown. Incumbent's commission expires February 4, 1911.

Sherman C. Cunningham to be postmaster at Fall River, Kans. Office became presidential January 1, 1911.

William P. Heichert to be postmaster at Howard, Kans., in place of William P. Heichert. Incumbent's commission expires February 28, 1911.

Thomas L. Hogue to be postmaster at Olathe, Kans., in place of Thomas L. Hogue. Incumbent's commission expires March 2, 1911.

George E. Ward to be postmaster at Sharon Springs, Kans. Office became presidential January 1, 1911.

KENTUCKY.

Joseph W. Demombron to be postmaster at Horse Cave, Ky., in place of Joseph W. Demombron. Incumbent's commission expires February 7, 1911.

MAINE.

Charles H. Hooper to be postmaster at Castine, Me., in place of Charles H. Hooper. Incumbent's commission expires February 7, 1911.

John M. Jewell to be postmaster at Clinton, Me., in place of John M. Jewell. Incumbent's commission expired January 18, 1911.

Charles H. White to be postmaster at Orono, Me., in place of Charles H. White. Incumbent's commission expires February 7, 1911.

MARYLAND.

James C. Peddicord to be postmaster at Oakland, Md., in place of James C. Peddicord. Incumbent's commission expired January 9, 1911.

MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, Mass., in place of Frank E. Briggs. Incumbent's commission expires February 20, 1911.

Stanley B. Dearborn to be postmaster at Wakefield, Mass., in place of Stanley B. Dearborn. Incumbent's commission expires February 13, 1911.

Alexander Grant to be postmaster at Chicopee, Mass., in place of Alexander Grant. Incumbent's commission expires February 20, 1911.

James W. Hunt to be postmaster at Worcester, Mass., in place of James W. Hunt. Incumbent's commission expires February 20, 1911.

Adolphus R. Martin to be postmaster at Chicopee Falls, Mass., in place of Adolphus R. Martin. Incumbent's commission expires February 20, 1911.

Charles L. Scranton to be postmaster at Oak Bluffs, Mass., in place of Charles L. Scranton. Incumbent's commission expires February 28, 1911.

Samuel L. Wheaton to be postmaster at Manchester, Mass., in place of Samuel L. Wheaton. Incumbent's commission expires February 13, 1911.

MICHIGAN.

George Barie to be postmaster at Pinconning, Mich., in place of George Barie. Incumbent's commission expires February 28, 1911.

Martin N. Brady to be postmaster at Saginaw West Side, Mich., in place of Martin N. Brady. Incumbent's commission expires January 31, 1911.

Joshua Braun to be postmaster at Sebewaing, Mich., in place of Joshua Braun. Incumbent's commission expired January 23, 1911.

Sidney E. Lawrence to be postmaster at Hudson, Mich., in place of Sidney E. Lawrence. Incumbent's commission expires February 28, 1911.

Josephus C. Mustard to be postmaster at Scottville, Mich., in place of Josephus C. Mustard. Incumbent's commission expired December 13, 1910.

MINNESOTA.

Isaac R. Bargen to be postmaster at Mountain Lake, Minn., in place of Isaac R. Bargen. Incumbent's commission expires February 7, 1911.

Andrew J. Davis to be postmaster at South St. Paul, Minn., in place of Andrew J. Davis. Incumbent's commission expires February 12, 1911.

Carl S. Eastwood to be postmaster at Heron Lake, Minn., in place of Carl S. Eastwood. Incumbent's commission expires February 18, 1911.

Charles R. Frazee to be postmaster at Pelican Rapids, Minn., in place of Charles R. Frazee. Incumbent's commission expires February 28, 1911.

Christian A. Rasmussen to be postmaster at Red Wing, Minn., in place of Christian A. Rasmussen. Incumbent's commission expires February 28, 1911.

George W. Rowell to be postmaster at North Branch, Minn., in place of George W. Rowell. Incumbent's commission expires March 1, 1911.

Osman J. Simmons to be postmaster at Austin, Minn., in place of Osman J. Simmons. Incumbent's commission expires March 1 1911.

MISSOURI.

Otto K. Benecke to be postmaster at Brunswick, Mo., in place of Otto K. Benecke. Incumbent's commission expires February 28, 1911.

John C. Lark to be postmaster at Steelville, Mo., in place of John C. Lark. Incumbent's commission expired January 18, 1911.

Thomas B. Morris to be postmaster at Hannibal, Mo., in place of Thomas B. Morris. Incumbent's commission expires February 18, 1911.

Edward J. Schmidt to be postmaster at Centralia, Mo., in place of Edward J. Schmidt. Incumbent's commission expires February 28, 1911.

George H. Traylor to be postmaster at New Madrid, Mo., in place of William H. Garanflo, resigned.

MONTANA.

James N. Starbuck to be postmaster at Valier, Mont. Office became presidential January 1, 1911.

NEBRASKA.

William T. Mauck to be postmaster at Wahoo, Nebr., in place of William T. Mauck. Incumbent's commission expires March 2, 1911.

Matie C. Priest to be postmaster at Walthill, Nebr., in place of Charles H. Taylor, resigned.

George W. Schreck to be postmaster at York, Nebr., in place of George W. Schreck. Incumbent's commission expires March 1, 1911.

NEW JERSEY.

Adam Kandle to be postmaster at Elmer, N. J., in place of Adam Kandle. Incumbent's commission expires January 28, 1911.

Frank D. Pedrick to be postmaster at Woodbury, N. J., in place of Frank D. Pedrick. Incumbent's commission expires February 28, 1911.

NEW YORK.

Florence Bayles to be postmaster at Oyster Bay, N. Y., in place of Annie Larrabee, deceased.

George R. Cornwell to be postmaster at Penn Yan, N. Y., in place of George R. Cornwell. Incumbent's commission expires February 28, 1911.

Herbert J. Curtis to be postmaster at Red Hook, N. Y., in place of Herbert J. Curtis. Incumbent's commission expires March 2, 1911.

William M. Morrison to be postmaster at Groveland Station, N. Y. Office became presidential January 1, 1911.

Milton L. Whitney to be postmaster at Oxford, N. Y., in place of Millard D. McNeil. Incumbent's commission expired January 9, 1911.

Elvira Williams to be postmaster at Fort Terry, N. Y. Office became presidential January 1, 1911.

OHIO.

Alfred H. Breese to be postmaster at Mount Gilead, Ohio, in place of Abner Allison. Incumbent's commission expired June 29, 1910.

Reginald Curtis to be postmaster at Monroeville, Ohio, in place of William D. Powley. Incumbent's commission expired December 10, 1910.

William H. Hallam to be postmaster at National Military Home, Ohio, in place of William H. Hallam. Incumbent's commission expires January 29, 1911.

Emory Sibley to be postmaster at Pioneer, Ohio. Office became presidential January 1, 1911.

OREGON.

Robert C. Mays to be postmaster at Elgin, Oreg., in place of Henry Procter. Incumbent's commission expired January 10, 1911.

PENNSYLVANIA.

William F. Balsbach to be postmaster at Bellwood, Pa., in place of William F. Balsbach. Incumbent's commission expires March 2, 1911.

William A. Boyd to be postmaster at Sandy Lake, Pa., in place of William A. Boyd. Incumbent's commission expires January 30, 1911.

William E. Champaign to be postmaster at Wellsboro, Pa., in place of William E. Champaign. Incumbent's commission expires February 13, 1911.

William W. Kemble to be postmaster at Tidioute, Pa., in place of William W. Kemble. Incumbent's commission expires February 28, 1911.

James S. Kennedy to be postmaster at Grove City, Pa., in place of James S. Kennedy. Incumbent's commission expires January 29, 1911.

John H. Martin to be postmaster at Greenville, Pa., in place of John H. Martin. Incumbent's commission expired April 17, 1910.

SOUTH DAKOTA.

George H. Carr to be postmaster at Bison, S. Dak. Office became presidential January 1, 1911.

William W. Smithson to be postmaster at Oelrichs, S. Dak. Office became presidential January 1, 1911.

TEXAS.

Evans H. Angell to be postmaster at Kilgore, Tex. Office became presidential January 1, 1911.

Clarence W. Atchison to be postmaster at Junction, Tex. Office became presidential January 1, 1911.

S. T. Blackwell to be postmaster at Celeste, Tex., in place of Ulysses G. Roach. Incumbent's commission expires February 13, 1911.

George W. Brown to be postmaster at Devine, Tex., in place of George W. Brown. Incumbent's commission expired January 10, 1911.

Leander A. Canada to be postmaster at Morgan, Tex., in place of Leander A. Canada. Incumbent's commission expires January 30, 1911.

John J. Cypert to be postmaster at Hillsboro, Tex., in place of John J. Cypert. Incumbent's commission expires February 21, 1911.

John A. Hooker to be postmaster at New Boston, Tex., in place of Richard B. Harrison. Incumbent's commission expired May 28, 1910.

William H. Ingerton to be postmaster at Amarillo, Tex., in place of William H. Ingerton. Incumbent's commission expires February 21, 1911.

William P. Lace to be postmaster at Burleson, Tex. Office became presidential January 1, 1911.

Elizabeth Rhea to be postmaster at Groesbeck, Tex., in place of Elizabeth Rhea. Incumbent's commission expires February 13, 1911.

Jay S. Richard to be postmaster at Itasca, Tex., in place of Jay S. Richard. Incumbent's commission expires February 13, 1911.

Benjamin F. Robey to be postmaster at Coleman, Tex., in place of James O. Brown, resigned.

Laura M. Poe to be postmaster at Santa Anna, Tex., in place of Laura M. Poe. Incumbent's commission expires January 28, 1911.

William E. Sayers, sr., to be postmaster at Bay City, Tex., in place of William E. Sayers, sr. Incumbent's commission expires February 13, 1911.

Hugo E. Schuchard to be postmaster at Menard, Tex. Office became presidential January 1, 1911.

Frank P. Varley to be postmaster at Collinsville, Tex., in place of Frank P. Varley. Incumbent's commission expired January 18, 1911.

George S. Zeigler to be postmaster at Eagle Lake, Tex., in place of George S. Zeigler. Incumbent's commission expired January 10, 1911.

VERMONT.

Ezra H. Allen to be postmaster at Fowler, Vt., in place of Ezra H. Allen. Incumbent's commission expires February 7, 1911.

WASHINGTON.

John M. Benedict, jr., to be postmaster at Centralia, Wash., in place of John M. Benedict. Incumbent's commission expired January 10, 1911.

Dan W. Bush to be postmaster at Chehalis, Wash., in place of Dan W. Bush. Incumbent's commission expires February 28, 1911.

E. E. Fisher to be postmaster at Port Angeles, Wash., in place of Roderick R. Harding. Incumbent's commission expired January 10, 1911.

Edgar L. Gale to be postmaster at Bremerton, Wash., in place of Charles P. Kimball. Incumbent's commission expired December 10, 1910.

W. D. Smith to be postmaster at Ritzville, Wash., in place of John F. Irby, resigned.

S. D. Steininger to be postmaster at Clarkston, Wash., in place of William M. Clemenson, resigned.

WEST VIRGINIA.

Fannie E. Helmick to be postmaster at Thomas, W. Va., in place of Fannie E. Helmick. Incumbent's commission expired January 22, 1911.

WISCONSIN.

James W. Meiklejohn to be postmaster at Waupun, Wis., in place of James W. Meiklejohn. Incumbent's commission expires March 2, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1911.

CONSUL.

José de Olivares to be consul at Madras, India.

SUPERINTENDENT OF ASSAY OFFICE.

Daniel P. Kingsford to be superintendent of the assay office at New York, N. Y.

ASSAYER.

George R. Comings to be assayer of the assay office at New York, N. Y.

IN THE DIPLOMATIC SERVICE.

Joseph C. Grew to be secretary of the embassy at Vienna, Austria.

Nelson O'Shaughnessy to be second secretary of the embassy at Mexico, Mexico.

Franklin Mott Gunther to be secretary of the legation at Managua, Nicaragua.

Richard O. Marsh to be third secretary of the embassy at St. Petersburg, Russia.

G. Andrews Moriarty, jr., to be secretary of the legation at Guatemala, Guatemala.

UNITED STATES MARSHAL.

J. Duncan Adams to be United States marshal for the district of South Carolina.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Wilber E. Wilder to be colonel.
Maj. James Lockett to be lieutenant colonel.
Capt. Grote Hutcheson to be major.
First Lieut. George T. Bowman to be captain.
Second Lieut. William W. Overton to be first lieutenant.

INFANTRY ARM.

Lieut. Col. Lea Febiger to be colonel.
Maj. Henry Kirby to be lieutenant colonel.
Capt. Ulysses G. McAlexander to be major.
Capt. William K. Jones to be major.
First Lieut. Fred E. Smith to be captain.

POSTMASTERS.

ARKANSAS.

J. G. Irwin, Eudora.

CALIFORNIA.

Nelson T. Edwards, Orange.
Harry S. Moir, Chico.

CONNECTICUT.

Frank A. Hagarty, Hartford.

ILLINOIS.

Henry E. Burns, Chester.
John Otto Koch, Breese.
James A. Lauder, Carterville.
William H. Pease, Harvey.
Allen T. Spivey, Shawneetown.

KANSAS.

Jacob D. Hirschler, Hillsboro.

KENTUCKY.

Homer B. Bryson, Carlisle.
J. B. McLin, Jackson.

MISSOURI.

Elijah L. Brown, Koshkonong.
Harry O. Halterman, Mount Vernon.

MONTANA.

Lynn Comfort, Twin Bridges.

NEBRASKA.

Alvin Blessing, Ord.
Lucius H. Denison, Crete.

NEW JERSEY.

Judiah Higgins, Flemington.

NEW YORK.

Joseph A. Douglas, Babylon.
Genevieve French, Sag Harbor.
John B. Lankton, Newport.
Jonas M. Preston, Delhi.
Huet R. Root, De Ruyter.

NORTH CAROLINA.

Clarence M. McCall, Marion.

OHIO.

Elias R. Monfort, Cincinnati.

OKLAHOMA.

Peter J. Becker, Okemah.
F. L. Berry, Taloga.
Susan M. Bradbury, Wetumka.
O. C. Davis, Tuttle.
Millard T. Kirk, Bartlesville.
W. I. Lacy, Anadarko.

PENNSYLVANIA.

Harry H. Hawkins, Spring Grove (late Spring Forge).

SOUTH DAKOTA.

John W. Casselman, Wall.
Elmer E. Gilmore, Lennox.
Henry E. Richardson, Woonsocket.

WEST VIRGINIA.

Samuel W. Patterson, Vivian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 27, 1911.*

The House met at 12 o'clock m.

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

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

CONTRACTS UNDER RECLAMATION ACT.

Mr. REEDER. Mr. Speaker, by direction of the Committee on Irrigation of Arid Lands, I ask unanimous consent to have recommitted to the Committee on Irrigation of Arid Lands the bill (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation acts, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman if that is the bill generally known as the Warren bill.

Mr. REEDER. It is.

Mr. MANN. I have no objection.

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

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the bills on the Private Calendar, pension bills, in order to-day under the rules, may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar relating to pensions be considered to-day under the rule in the House as in Committee of the Whole House. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman whether he means all bills on the Private Calendar, or pension bills and bills giving relief by way of pensions.

Mr. SULLOWAY. Mr. Speaker, my request goes only to pension bills on the Private Calendar.

Mr. CARLIN. Mr. Speaker, reserving the right to object, I desire to inquire if this displaces the consideration of the District of Columbia appropriation bill.

The SPEAKER. The request is for the consideration of pension bills in order to-day in the House as in Committee of the Whole House on the state of the Union.

Mr. CARLIN. Mr. Speaker, I will not object, but I did not care to have the District appropriation bill displaced; that is all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York suggests the absence of a quorum. Evidently there is not a quorum present. Does the gentleman desire to submit a motion?

Mr. DWIGHT. I move a call of the House, Mr. Speaker.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN and Mr. JAMES. Division!

The House divided, and there were—ayes 10, noes 67.

The SPEAKER. There is not a quorum present. The Chair awaits the pleasure of Members present, a quorum not being present.

Mr. MANN. We are waiting for those outside to come in. [Laughter.]

Mr. TALBOTT. Regular order, Mr. Speaker.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. If the yeas and nays are ordered on this motion and during the call it should appear that a quorum was present, in case the call was defeated could we then go on with business?

The SPEAKER. The request for unanimous consent was agreed to, then the point was made that there was no quorum present. So far as the Journal is concerned it will show a quorum was present when the unanimous consent was given; so there is no question before the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. MANN. And on that I demand the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 0, nays 288, answered "present" 10, not voting 87, as follows:

NAYS—288.

Adair	Dent	Heald	Macon
Adamson	Denver	Heflin	Madden
Aiken	Dickinson	Helm	Madison
Alexander, Mo.	Dickson, Miss.	Henry, Conn.	Maguire, Nebr.
Alexander, N. Y.	Diekema	Henry, Tex.	Malby
Allen	Dies	Higgins	Mann
Ames	Dixon, Ind.	Hinshaw	Martin, Colo.
Anderson	Dodds	Hitchcock	Martin, S. Dak.
Ansberry	Douglas	Hollingsworth	Massey
Ashbrook	Draper	Houston	Mays
Austin	Driscoll, D. A.	Howell, Utah	Miller, Kans.
Barchfeld	Driscoll, M. E.	Howland	Miller, Minn.
Barclay	Dupre	Hubbard, Iowa	Mitchell
Barnard	Durey	Hubbard, W. Va.	Mondell
Barnhart	Dwight	Hughes, Ga.	Moon, Tenn.
Bartlett, Ga.	Edwards, Ga.	Hughes, N. J.	Moore, Tex.
Bartlett, Nev.	Ellerbe	Hughes, W. Va.	Morehead
Bates	Ellis	Hull, Iowa	Morgan, Okla.
Beall, Tex.	Englebright	Hull, Tenn.	Morrison
Bennet, N. Y.	Esch	Humphrey, Wash.	Morse
Bingham	Estopinal	Humphreys, Miss.	Moss
Boehne	Fairchild	James	Moxley
Booher	Fassett	Jamieson	Needham
Borland	Ferris	Johnson, Ky.	Nelson
Boutell	Finley	Joyce	Nicholls
Bowers	Fish	Keifer	Norris
Brantley	Fitzgerald	Keliher	Nye
Burgess	Flood, Va.	Kendall	O'Connell
Burke, Pa.	Floyd, Ark.	Kennedy, Ohio	Oldfield
Burleigh	Focht	Kinkaid, Nebr.	Olmsted
Burleson	Foss	Kinkead, N. J.	Padgett
Butler	Foster, Ill.	Kitchin	Page
Byrd	Foster, Vt.	Korbly	Palmer, A. M.
Byrns	Fuller	Kronmiller	Palmer, H. W.
Calderhead	Gaines	Küstermann	Parker
Campbell	Gallagher	Lafean	Parsons
Candler	Gardner, Mass.	Lamb	Payne
Cantrill	Gardner, Mich.	Langham	Pearre
Carlin	Garner, Tex.	Latta	Peters
Carter	Garrett	Lawrence	Pickett
Cary	Gillett	Lee	Plumley
Cassidy	Godwin	Lenroot	Poindexter
Chapman	Good	Lever	Pou
Clayton	Gordon	Lindbergh	Pratt
Cline	Graff	Lively	Pray
Cole	Graham, Ill.	Livingston	Pujo
Collier	Greene	Lloyd	Rainey
Cooper, Pa.	Gregg	Longworth	Randell, Tex.
Cooper, Wis.	Gronna	Loud	Rauch
Cowles	Hamer	Lowden	Reeder
Cox, Ind.	Hamilton	Lundin	Reid
Cox, Ohio	Hamill	McCall	Richardson
Craig	Hamlin	McCreary	Roberts
Creager	Hammond	McCredie	Robinson
Crow	Hanna	McDermott	Roddenbery
Crumpacker	Hardwick	McGuire, Okla.	Rodenberg
Cullop	Hardy	McHenry	Rucker, Mo.
Currier	Haugen	McKinlay, Cal.	Saunders
Dalzell	Havens	McKinney	Scott
Davidson	Hawley	McLachlan, Cal.	Sheffield
Davis	Hay	McLaughlin, Mich.	Sheppard
Dawson	Hayes	McMorran	Sherwood
Sims	Sulloway	Thomas, Ohio	Washburn
Slemp	Sulzer	Tilson	Watkins
Smith, Cal.	Swasey	Tou Velle	Webb
Smith, Iowa	Talbott	Townsend	Weeks
Smith, Tex.	Tawney	Turnbull	Weisse
Sparkman	Taylor, Colo.	Underwood	Wickliffe
Sperry	Taylor, Ohio	Volstead	Wilson, Pa.
Stafford	Thistlewood	Vreeland	Woods, Iowa
Sterling	Thomas, Ky.	Wallace	Woodyard
Stevens, Minn.	Thomas, N. C.	Wanger	Young, Mich.

ANSWERED "PRESENT"—10.

Andrus	Clark, Fla.	Kahn	Young, N. Y.
Burke, S. Dak.	Goulden	Rothermel	
Burnett	Hill	Stephens, Tex.	

NOT VOTING—87.

Anthony	Garner, Pa.	Kopp	Sabath
Bartholdt	Gill, Md.	Langley	Shackleford
Bell, Ga.	Gill, Mo.	Law	Sharp
Bennett, Ky.	Gillespie	Legare	Sherley
Bradley	Glass	Lindsay	Simmons
Broussard	Goebel	Loudenslager	Sisson
Calder	Goldfogle	McKinley, Ill.	Slayden
Capron	Graham, Pa.	Maynard	Small
Clark, Mo.	Grant	Millington	Smith, Mich.
Cocks, N. Y.	Griest	Moon, Pa.	Snapp
Conry	Guernsey	Moore, Pa.	Southwick
Coudrey	Harrison	Morgan, Mo.	Spight
Covington	Hobson	Mudd	Stanley
Cravens	Howard	Murdock	Steenerson
Denby	Howell, N. J.	Murphy	Sturgiss
Edwards, Ky.	Huff	Olcott	Taylor, Ala.
Elvins	Johnson, Ohio	Patterson	Wheeler
Foelker	Johnson, S. C.	Prince	Wiley
Fordney	Jones	Ransdell, La.	Willett
Fornes	Kennedy, Iowa	Rhinock	Wilson, Ill.
Fowler	Knapp	Riordan	Wood, N. J.
Gardner, N. J.	Knowland	Rucker, Colo.	

So the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. CAPRON with Mr. REID.

Mr. MILLINGTON with Mr. LINDSAY.

Mr. KNAPP with Mr. SHERLEY.

Mr. PRINCE with Mr. GORDON.

Mr. BARTHOLDT with Mr. JOHNSON of South Carolina.

Mr. MURDOCK with Mr. GILLESPIE.

Mr. HOWELL of New Jersey with Mr. BURNETT.

Mr. SOUTHWICK with Mr. BELL of Georgia.

Mr. FORDNEY with Mr. ROTHERMEL.

Mr. GRIEST with Mr. STANLEY.

Mr. MOORE of Pennsylvania with Mr. SMALL.

Mr. HUFF with Mr. MAYNARD.

Mr. KAHN with Mr. CRAVENS.

Mr. BRADLEY with Mr. GOULDEN.

Mr. ANTHONY with Mr. BROUSSARD.

Mr. CALDER with Mr. COVINGTON.

Mr. DENBY with Mr. GILL of Maryland.

Mr. COCKS of New York with Mr. CONRY.

Mr. GUERNSEY with Mr. GOLDFOGLE.

Mr. GARDNER of New Jersey with Mr. GILL of Missouri.

Mr. COUDREY with Mr. HARRISON.

Mr. JOHNSON of Ohio with Mr. HOBSON.

Mr. KENNEDY of Iowa with Mr. HOWARD.

Mr. KNOWLAND with Mr. JONES.

Mr. LAW with Mr. SABATH.

Mr. LANGLEY with Mr. LEGARE.

Mr. LOUDENSLAGER with Mr. RANSDELL of Louisiana.

Mr. MCKINLEY of Illinois with Mr. RHINOCK.

Mr. MOON of Pennsylvania with Mr. RUCKER of Colorado.

Mr. OLCOTT with Mr. PATTERSON.

Mr. STURGISS with Mr. SHARP.

Mr. EDWARDS of Kentucky with Mr. SPIGHT.

Mr. SNAPP with Mr. SHACKLEFORD.

Mr. WILSON of Illinois with Mr. SISSON.

Mr. GOEBEL with Mr. WILLETT.

Mr. GRANT with Mr. TAYLOR of Alabama.

For balance of week:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

From January 25 to January 28:

Mr. WILEY with Mr. SLAYDEN.

Until noon, January 28:

Mr. WOOD of New Jersey with Mr. CLARK of Missouri.

From January 27 until noon, January 28:

Mr. HILL with Mr. GLASS.

The SPEAKER. Upon the vote the noes are 288, voting "present" 10. The noes have it, and the House refuses to adjourn. A quorum is present, and the gentleman from New Hampshire [Mr. SULLOWAY] is recognized.

PENSIONS.

The first pension business on the Private Calendar was the bill (H. R. 31724) 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 Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William H. Ogden, late of Company G, Ninth 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 Anna Day, widow of James E. Day, late of Company G, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John A. Burgner, late of Company L, Ninety-ninth Regiment, and Company I, One hundred and ninety-ninth 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 Henry Kearns, alias Wilson, late of Company D, First Regiment Illinois 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 Charles Ward, late of Company C, Twenty-ninth 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 Ledyard E. Benton, late of Company A, Twelfth 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 Richard Lowe, late of Company A, 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 V. Howell, late of Company D, Seventieth 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 Fletcher B. Wilson, late of Company P, Sixth Regiment West Virginia 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 Alpheus Wilson, late of Battery F, West Virginia 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 William Wise, late of Company K, Thirty-second 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 H. Rodenbeck, late of Company G, One hundred and twentieth 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 Christian Ulrici, late of Company I, Sixth 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 Christian Bachmann, late of Company E, Seventy-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 Junius Abbott, late of Company K, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Belford, late of Company K, Fortieth 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 Margaret Hamilton, widow of John Hamilton, late of Company E, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David A. Clowes, late of Company G and assistant surgeon, Twelfth Regiment Indiana 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 Thomas F. Clutts, late of Company C, Fortieth 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 Thomas G. Rowe, late of Signal Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Nutting, late of Capt. Smith's independent company, Pennsylvania Volunteer Cavalry, and Company G, Twenty-second Regiment Pennsylvania 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 Enoch Plummer, late of Fifth Independent Battery Ohio 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 Henry H. King, late of Company G, Sixth 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 George W. Thomas, late of Company I, Twenty-sixth 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 James N. Hambilton, late of Company F, Fifteenth 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 William F. Ott, late of Company F, Fifth Regiment Pennsylvania Reserve 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. Kirby, late of Company C, Eighty-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 Virgil D. Lamberson, late of Company H, One hundred and first Regiment Ohio Volunteer Infantry, and Company H, First Regiment Mississippi Marine Brigade 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 Powers, late of Company I, Seventy-sixth 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 Daniel G. Burnsides, late of Company I, One hundred and fourteenth 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 Everill J. Hills, late of Company C, Ninety-fifth 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 Edward L. Ballou, late of Company I, Sixth Regiment Minnesota 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 L. Turner, late of Company C, Seventh Regiment Vermont Volunteer Infantry, and Company C, Fourth Regiment United States Veteran 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 Elijah S. Burns, late of Company E, Sixtieth 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 H. Brown, late of Company H, One hundred and twenty-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 James King, late of Company C, Thirty-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 Mary J. Martin, widow of Joseph S. Martin, late surgeon, Seventh Regiment Kansas 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 Henry W. Turner, late of Company I, Eleventh 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 John H. Smith, late of Company F, Eighty-fourth 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 Abram Littlefield, late of Third Battery, First Battalion Maine 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 Henry Straub, late of Company B, Thirteenth 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 James A. Harley, late of Company C, One hundred and 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 Ursula N. Smith, widow of Henry M. Smith, late of Company D, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Georg Aepfelbaker, late of Company K, Eleventh 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 Samuel Knox, late of Company G, Tenth Regiment Maine Volunteer Infantry, Company E, Tenth Regiment Veteran Reserve Corps, and first lieutenant Company K, Thirtieth Regiment United States Colored 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. Pierce, late commissary sergeant, 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 William Irelan, late of Company D, Twelfth Regiment Indiana 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 Franklin H. Babbitt, late of Companies F and B, 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 William E. Ensign, late of Company H, 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 George W. Fugate, late of Company I, One hundred and forty-ninth 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 Jacob A. Stewart, late of Company G, Sixty-seventh Regiment, and Company G, Twenty-fourth 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 George Muchler, late of Company L, Ninth Regiment Pennsylvania 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 Henry P. Whiteman, late of Company G, One hundred and sixty-fourth Regiment Ohio National Guard 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 B. Schock, late of Company D, One hundred and seventy-third Regiment Pennsylvania Drafted Militia, 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. Walker, late of Company I, Fifth Regiment West Virginia Volunteer Cavalry, and Company I, Second 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 Felty Culwell, late of Company E, Fourth Regiment Tennessee 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 Emanuel P. Miller, late of Company C, Twentieth 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 Alice E. Bailey, widow of Harvey E. Bailey, late of Company G, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry R. Graham, late of Company E, Eighth 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 James H. Johnson, late of Company K, Fiftieth Regiment Indiana 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 Joseph Shelhamer, late of Company D, Thirty-fourth 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 Jacob F. Newman, late of Company E, One hundred and twenty-sixth 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 H. Paus, late of Company B, Twenty-fifth Regiment Missouri 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 Enoch C. Morse, late of Company K, One hundred and thirty-second Regiment Ohio National Guard 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 A. Henry, late of Company F, Second Regiment Ohio 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 Clark H. Castle, late of Company C, First Regiment Wisconsin 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 Henry C. Hopkins, late of Company B, Thirty-second 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 Joseph Heller, late of Company G, Sixteenth 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 George M. Zartman, late of Company I, Thirty-ninth 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 George W. Short, late of Company H, Tenth 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 James W. Harnden, late of Company E, 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 John Arnold, late of Company C, Seventy-first Regiment Ohio 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 John H. Back, late of Company H, Eighteenth Regiment Indiana 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 Frances M. Sampson, widow of Asa E. Sampson, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month:

The name of James H. Hall, late of Company H, 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 Simon Benner, late of Company E, Eighty-sixth 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 John M. Barrick, helpless and dependent child of Henry Barrick, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John M. Marietta, late of Company D, One hundred and fourteenth 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 Arthur C. Stevens, late of Company I, Ninety-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 Nolley, late of Company I, Fourth Regiment Tennessee 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 Daniel O. Beverstock, late of Company G, Sixteenth 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 Grove, late of Company A, Seventeenth Regiment Pennsylvania 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 Isaac E. Walker, helpless and dependent child of James H. Walker, late of Company A, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ethan A. Mowrer, late of U. S. S. Grampus and Victory, 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 Reuben Craycraft, late of Company A, Forty-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 Mary M. Hill, helpless and dependent child of Charles W. Hill, late of Company F, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jarrell Burrow, late of Company C, Fourth Regiment Tennessee Volunteer Mounted 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 Fisher, late of Company G, One hundred and forty-seventh 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 Guy M. Martin, late of Company G, Twenty-eighth 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 Isaiah H. Russell, late of Company K, Tenth 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 Wilson E. Naylor, late of Company K, First Regiment Pennsylvania Reserve Volunteer Infantry, and Company A, One hundred and ninetieth 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 James H. Wood, late of Company G, First Regiment New Jersey 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 Henry C. Thibbets, late of Company B, Ninety-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 Delanson Kellogg, late of Company K, Fiftieth 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 John T. Greer, late of Company G, Fourth Regiment West Virginia 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 A. Fritter, late of Company B, One hundred and seventy-eighth 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 Laura M. Keyes, widow of Francis W. Keyes, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John C. Davis, late of Company B, Eighth Regiment New Hampshire 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 Lowry Venerable, late of Company E, Sixth Regiment Pennsylvania 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 P. Hollingsworth, late of Company A, First Regiment Tennessee 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. Blalock, late of Company B, Sixth 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 Jacob Dewitt, late of Company D, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Brydon, late of Company H, and quartermaster sergeant, Fifth 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 Samuel Sheffer, jr., late of Company F, Seventy-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 Ehud N. Darling, late first lieutenant Company H, Eighteenth Regiment United States 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 Joseph Wagoner, late of Company E, Eighty-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 Charles M. Howe, late of Companies M and H, Second 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 Sylvester C. Bishop, late of Company F, Eleventh 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 Homer L. Blair, late of Company E, One hundred and twenty-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 Samuel Munday, late of Company I, Fifteenth 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 P. Bradfield, late of Company I, Eleventh 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 Branch F. Ayres, late of Companies A and K, Twenty-first 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 Oscar R. Wilson, late of Company A, Twentieth 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 William Andrew Price, late of Company A, Twelfth 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 Rolyn Shepard, late of Company F, Tenth 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 William H. Woodside, late of Company A, Fifth 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 Charles B. Morris, late of Company H, Nineteenth 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 John W. Glover, late of Company I, First Regiment Nebraska 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 Mollie T. Willis, helpless and dependent child of Phlegmon W. Willis, late first lieutenant Company H, Fifty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John E. Pharnes, late of Company K, Fifteenth Regiment, and Company E, Twentieth 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 George H. Rogers, late of Company C, Seventh Regiment Ohio Volunteer Infantry, and Company A, Battalion United States Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Archer, late of Company L, Fourteenth 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 William A. Kraft, late of Company B, 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 Theodas Jones, late of Company D, One hundred and seventy-second Regiment Ohio National Guard 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 Goodfellow, late of Company D, Ninth 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 Walter H. Gibbs, late of Company I, One hundred and forty-fourth 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 Delano Prescott, late of Company C, Tenth 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 Nicholas Slessman, late of Battery L, First Regiment Ohio 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 Morgan S. Lauderbaugh, late of Company F, Eighteenth Regiment Pennsylvania 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 M. Elam, late of Company E, Twenty-first Regiment Missouri 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 Frank A. Thomas, late of Company E, Purnell Legion, 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 James Grant, late of Company I, One hundred and twenty-seventh Regiment United States Colored 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 David S. Hurst, late of Company I, Forty-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 Edgar Fosmire, late of Company B, Forty-fourth 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 Kelsey T. Waters, late of Company D, Thirty-ninth 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 Francis Schmidt, late of Company A, Thirteenth 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 Fayette Adams, alias Albert L. Henderson, late of Company B, Ninth Regiment Iowa 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 Kenney, late of Company E, 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 Alfred S. Jackson, late of Company H, Second 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 Cary T. Thurman, late of Company A, Fourteenth Regiment Illinois 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 Isaac Byers, late of Company G, One hundred and 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 Charles E. Lilly, late of Company H, Twenty-second 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 John H. Williams, late of Company D, First Regiment Iowa 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 James McComb, late of Company B, First Regiment New York 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 Jacob Freyvogel, late of Company K, Twentieth 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 Sylvanus Burch, late of Company H, Eighty-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 Isaac N. Halley, late of Company K, Fifty-eighth 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 George E. Wilson, late of Company D, Thirtieth 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 Thomas Mahoney, late of Company E, 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 Thomas D. Sergent, late of Company D, Fifteenth 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 Sarah J. Surber, widow of Henry Surber, late of Company E, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eugene Edwin Taylor, late of Company G, 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 Alexander Johnson, late of Company E, One hundred and sixteenth Regiment, and Company D, Twenty-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 Helena Garges, helpless and dependent child of Amandes Garges, late of Company A, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ella Dennis, widow of Nelson W. Dennis, late of Company A, Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of J. Howard Titsworth, late of Company B, Thirteenth Regiment New Jersey 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 W. Larimer, late of Company H, Fourth 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 David W. Wood, late of Company G, Twentieth 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 George T. Smith, late of Company C, Thirty-third 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 Ralph Woedrich, late of Company I, Forty-second Regiment New York Volunteer Infantry, and Company B, Twelfth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron Tucker, late of Companies I and G, Eighty-third 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 Charles W. Atwell, late unassigned Pennsylvania 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 Philipp Wimmer, late of Company C, Twenty-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 Joshua Wainwright, late of Company A, One hundred and nineteenth 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 Charles P. Crary, late of Company E, Twentieth 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 Edwin P. Mayo, late of Company A, Second Regiment Maine 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 Ezra Smith, late of Company E, Fifteenth 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 Asa V. Douglass, late of Company E, Eighth Regiment Maine 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 Almanzo L. Goddard, late of Company D, Thirty-eighth 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 Henry Aden, late of Company A, Thirty-fifth Regiment, and Company A, Twenty-ninth Regiment, Massachusetts 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 Patrick Shea, alias Henry Bowers, late of Company F, Fifteenth Regiment New York Volunteer Cavalry, and Company F, Second Regiment New York Provisional 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 Francis M. Jones, late of Company D, Twenty-sixth 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 George W. Bell, late of Company C, Third Regiment Massachusetts 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 Charles H. Giles, late of Company F, Twenty-sixth Regiment Massachusetts 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 Walter R. Small, late of Company A, One hundred and third 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 Henry P. Selvert, late of Company I, Seventy-ninth 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 L. Garratt, late of Company M, Ninth Regiment New York Volunteer Heavy Artillery, and First Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McNamara, late of Company H, 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 Alfred Henry, late of Company F, Ninth 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 James M. Smith, late of Company B, One hundred and forty-eighth 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 Lyman H. Essex, late of Company C, Eighth 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 Joseph Dieffenbacher, late of Company L, Eleventh 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 William H. Moeller, late of Company B, Second 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 Beazan, late of Company E, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Young, late of Company H, Ninth Regiment Kentucky 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 Samuel Artist, late of Company E, Fourteenth Regiment Pennsylvania 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 Overbey, late of Company D, 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 James F. Hale, late of Company I, One hundredth 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 P. Marshall, late of Company H, Sixty-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 Almond W. Foy, late of Company B, Thirty-fourth 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 Edwin Ward, late of Company F, Thirty-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 James R. Hudson, late of Company E, Twenty-fifth 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 Isaac Griffith, late of Company G, Two hundred and sixth 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 Anderson W. Peter, late of Company F, Thirty-first 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 William W. Prine, late of Company G, Thirtieth 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 Richard Riche, late of Company L, Twelfth Regiment New York 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 John A. Britton, late of Company A, Forty-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 Joshua Nixon, late of Company D, One hundred and sixteenth 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 Amelia Kammerdiner, widow of John Kammerdiner, late of Company F, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of a minor child of said soldier until such child shall arrive at the age of 16 years.

The name of Howard C. Kibbe, late of Company H, Eleventh Regiment New Hampshire 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 Robert Scott, late of Company A, Twentieth Regiment Pennsylvania Volunteer Infantry, and Company F, Fifty-second Regiment Pennsylvania Emergency Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Turner, late of Company F, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy Kresge, late of Company F, One hundred and seventy-sixth 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 Franklin William Fernan, late of Company H, First Battalion, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse H. Pratt, late of Company A, One hundred and fifty-first 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 W. Clark, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and Company H, Twenty-third Regi-

ment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel I. Stein, late of Company A, Forty-first 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 Nathan S. Tandy, late of Company D, Thirty-sixth 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 Fred H. Gorham, late of Company K, Eleventh Regiment Maine 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 Patrick Colopy, late of Company C, Sixteenth 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 Neary, late of Company F, Twenty-third 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 Francis M. Brittingham, late of Company D, Forty-sixth 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 John J. De Groff, late of Company E, Eightieth Regiment New York 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 John W. Flaharty, late of Company G, Seventy-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 Thomas L. Gillaspie, late of Company E, Second 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 Edwin T. Marsh, late of Company I, One hundred and fortieth 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 John R. Lewis, late of Company C, Sixth 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 George F. Vail, late of Company D, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Richard Green, late of Company E, One hundred and fifty-fourth 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 names of William Wike and Nancy Ellen Wike, helpless and dependent children of Abram B. Wike, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay each of them a pension at the rate of $12 per month.

The name of Henry Stamm, late of Company G, Second Regiment New Jersey 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 Long, alias Logue, late of Company K, Twenty-fifth 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 William H. Maxwell, late of Company E, Fourth Regiment United States Veteran 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 Nelson Briley, late of Company K, One hundred and eighteenth Regiment United States Colored 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 J. Phillips, late of Company G, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The name of Charles A. Clement, late of Company E, Fourth Regiment Maine 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 Chillis W. Jenne, late of Company A, Hatch's battalion Minnesota 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 Robert R. Mitchell, late of Company G, Seventh Regiment Iowa Volunteer Infantry, and Company K, Thirty-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 William H. Baker, late of Company G, One hundred and fiftieth 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 Joel H. Burrall, late of Company H, Thirty-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 Joseph W. Macdonald, late of Fourth Battery, New Jersey 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 Henry C. Musgrove, late of Battery E, First Regiment Kentucky 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 Eden Hunt, late of Company A, Eighty-ninth Regiment New York 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 Lycurgus Botkin, late of Company B, One hundred and seventy-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 Mary Ann Stevens, former widow of Sylvester B. Warren, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lorenzo D. Fountain, late of Company E, Sixty-fourth 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 Michael Schone, late of Company E, Fifty-first Regiment New York 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 Jane Quint, widow of Albanus Quint, late of Companies A and F, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Charleston, late of Company E, Seventy-sixth 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 Mary Ruppel, widow of Fabian Ruppel, late of Eleventh Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Flora Ruppel, helpless and dependent daughter of said Fabian Ruppel, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Ruppel the name of said Flora Ruppel 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 Mary Ruppel.

The name of Lycurgus B. Gwyn, late of Company B, One hundred and seventeenth 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 James M. Proctor, late of Company C, 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 Andrew J. Gatchell, late of Company H, Second 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 Benjamin Guffey, late second lieutenant Company I, Eighteenth 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 William J. A. Brown, late of Company D, Sixty-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 Caroline S. Pilgrim, widow of John Pilgrim, late of Company D, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Wolterman, late of Company G, One hundred and thirty-eighth Regiment Ohio National Guard 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 M. Stuart, late of U. S. S. Grampus, Great Western, and Tyler, 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 Thomas H. Wells, late of Company F, Ninety-third 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 Mary Holt, former widow of Daniel B. Magruder, late first lieutenant Company I, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Daniel W. Woodin, late of Company K, Third 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 Patrick J. Hurley, late of U. S. S. Ohio, Great Western, and Benton, 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 Earl Stockwell, late of Company E, 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 Hiram Tubbs, late of Company B, Second 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 Eliza A. Eastman, former widow of George W. Eastman, late of Company H, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles C. Griffing, late of Company E, Second Regiment Massachusetts 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 S. Edie, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John S. Brooks, late of Company H, Tenth 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 David S. Cox, late of Company C, 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 Dennis W. Finley, late of Company B, 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 William S. Leeds, late of Company A, Eighty-second 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 Sylvester W. Sutton, late of Company I, One hundred and 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 William G. Hopkins, late of Company D, 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 Abraham Faust, late of Independent Battery G, Pennsylvania 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 Franklin Slater, late of U. S. S. Grampus, Milwaukee, and Rose, 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 Leroy Harbison, late of Company K, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that is now receiving.

The name of Samuel Strang, late of Companies D and A, Eleventh Regiment 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 McIntire, late of Company I, One hundred and ninety-second Regiment Pennsylvania 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 Daniel O'Sullivan, late of Company E, First Regiment Eastern Shore Maryland 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 O'Brien, late of Company G, Forty-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 Dixon Tucker, late of Company F, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thaddeus W. Minish, late of Company B, 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 Jesse J. Morris, late principal musician, One hundred and fortieth 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 Devoise Dorrance, late of Company G, Eighth 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 Lewis Creamer, late of Company G, Thirty-first 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 Thomas P. Henrie, late of Company A, Eleventh Regiment Maryland 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 Lewis J. Walsh, late of Company B, Thirty-second 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 Isaiah McDowell, late of Company C, Forty-fourth 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 Sorrels, late of Company B, One hundred and twentieth 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 E. Smith, late of Company H, Thirteenth Regiment Missouri 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 A. Hunter, late of Companies L and M, Fiftieth Regiment New York Volunteer Engineers, 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. Brooks, late of Company B, Eighty-second 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 Frank Stemer, late of Company H, One hundred and seventy-third 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 Richard J. Fanning, late of Battery C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Austin W. Hall, late of Company F, Thirty-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 Abner L. Hunt, late of Company E, Ninety-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 Henry H. Rowe, late of Company H, Ninety-fifth 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 Alfred Dechanet, late of Company I, First Regiment Minnesota 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 S. Beecher, late of Company E, Nineteenth Regiment Connecticut 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 Moses Reeves, jr., late first lieutenant Company M, Twenty-first Regiment New York 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 Amanda M. Russell, widow of Stephen Russell, late of U. S. S. North Carolina and Rachel Seaman, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Franklin Foote, late of Company I, Thirteenth Regiment Wisconsin 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 Frances E. Strain, widow of Alexander Strain, late lieutenant colonel One hundred and fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William F. Powell, late of Company C, Second Regiment Provisional Enrolled Missouri Militia, 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. Meloan, late of Company A, Third Regiment Missouri State Militia 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 Large, helpless and dependent child of William Large, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Lorenzo W. Hindman, late of Company A, Ninth Regiment Kansas 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 Anderson, late of Company G, Second Battalion 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 Stephen S. Jenness, late of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, and U. S. S. Unadilla and Ohio, 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 William H. Keepers, late of Company A, Twenty-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 Ebenezer Smith, late quartermaster, 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 Nathaniel G. Crowder, late of Company E, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

During the reading,

Mr. SULLOWAY. Mr. Speaker, I move to strike out, on page 19, lines 23 and 24, and on page 20, lines 1 and 2, the beneficiary being dead.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 19, strike out lines 23 and 24, and on page 20, strike out lines 1 and 2, the beneficiary, Homer L. Blair, being dead.

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.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 644. William H. Ogden.
H. R. 830. Anna Day.
H. R. 1312. John A. Burgner.
H. R. 1747. Henry Kearns, alias Wilson.
H. R. 1793. Charles Ward.
H. R. 1930. Ledyard E. Benton.
H. R. 1986. Richard Lowe.
H. R. 4389. John V. Howell.
H. R. 4692. Fletcher B. Wilson.
H. R. 4695. Alpheus Wilson.
H. R. 5203. William Wise.
H. R. 6065. William H. Rodenbeck.
H. R. 6212. Christian Ulrici.
H. R. 6649. Christian Bachmann.
H. R. 7287. Junius Abbott.
H. R. 7744. Joseph Belford.
H. R. 8738. Margaret Hamilton.
H. R. 8890. David A. Clowes.
H. R. 8956. Thomas F. Clutts.
H. R. 9213. Thomas G. Rowe.
H. R. 10091. Samuel Nutting.
H. R. 10121. Enoch Plummer.
H. R. 10378. Henry H. King.
H. R. 11616. George W. Thomas.
H. R. 11719. James N. Hambilton.
H. R. 11865. William F. Ott.
H. R. 12459. William S. Kirby.
H. R. 12469. Virgil D. Lamberson.
H. R. 12590. John Powers.
H. R. 12692. Daniel G. Burnsides.
H. R. 12760. Everill J. Hills.
H. R. 12860. Edward L. Ballou.
H. R. 12887. Joseph L. Turner.
H. R. 12965. Elijah S. Burns.
H. R. 12974. James H. Brown.
H. R. 13146. James King.
H. R. 13498. Mary J. Martin.
H. R. 13502. Henry W. Turner.
H. R. 13693. John H. Smith.
H. R. 13791. Abram Littlefield.
H. R. 13819. Henry Straub.
H. R. 14277. James A. Harley.
H. R. 14317. Ursula N. Smith.
H. R. 14455. Georg Aepfelbaker.
H. R. 15359. Samuel Knox.
H. R. 15375. George W. Pierce.
H. R. 15493. William Irelan.
H. R. 15608. Franklin H. Babbitt.
H. R. 15878. William E. Ensign.
H. R. 16512. George W. Fugate.
H. R. 16725. Jacob A. Stewart.
H. R. 17141. George Muchler.
H. R. 17182. Henry P. Whiteman.
H. R. 18119. William B. Schock.
H. R. 18142. Thomas J. Walker.
H. R. 18324. Felty Culwell.
H. R. 18965. Emanuel P. Miller.
H. R. 19233. Alice E. Bailey.
H. R. 19515. Henry R. Graham.
H. R. 19529. James H. Johnson.
H. R. 20008. Joseph Shelhamer.
H. R. 20068. Jacob F. Newman.
H. R. 20193. John H. Paus.
H. R. 20238. Enoch C. Morse.
H. R. 20433. George A. Henry.
H. R. 20478. Clark H. Castle.
H. R. 20698. Henry C. Hopkins.
H. R. 20998. Joseph Heller.
H. R. 20999. George M. Zartman.
H. R. 21360. George W. Short.
H. R. 21407. James W. Harnden.
H. R. 21472. John Arnold.
H. R. 21700. John H. Back.
H. R. 21994. Frances M. Sampson.
H. R. 22710. James H. Hall.
H. R. 22855. Simon Benner.
H. R. 23080. John M. Barrick.
H. R. 23138. John M. Marietta.
H. R. 23151. Arthur C. Stevens.
H. R. 23302. Henry Nolley.
H. R. 23394. Daniel O. Beverstock.
H. R. 23501. Joseph Grove.
H. R. 23676. Isaac E. Walker.
H. R. 24003. Ethan A. Mcwrer.
H. R. 24091. Reuben Craycraft.
H. R. 24738. Mary M. Hill.
H. R. 24857. Jarrell Burrow.
H. R. 24896. Edward Fisher.
H. R. 24967. Guy M. Martin.
H. R. 24981. Isaiah H. Russell.
H. R. 25049. Wilson E. Naylor.
H. R. 25163. James H. Wood.
H. R. 25252. Henry C. Thibbets.
H. R. 25267. Delanson Kellogg.
H. R. 25315. John T. Greer.
H. R. 25567. Thomas A. Fritter.
H. R. 25621. Laura M. Keyes.
H. R. 25633. John C. Davis.
H. R. 25677. Lowry Venerable.
H. R. 25720. James P. Hollingsworth.
H. R. 25809. William H. Blalock.
H. R. 25931. Jacob Dewitt.
H. R. 26025. James Brydon.
H. R. 26038. Samuel Sheffer, jr.
H. R. 26110. Ehud N. Darling.
H. R. 26186. Joseph Wagoner.
H. R. 26217. Charles M. Howe.
H. R. 26224. Sylvester C. Bishop.
H. R. 26313. Homer L. Blair.
H. R. 26326. Samuel Munday.
H. R. 26460. John P. Bradfield.
H. R. 26406. Branch F. Ayres.
H. R. 26437. Oscar R. Wilson.
H. R. 26479. William Andrew Price.
H. R. 26605. Rolyn Shepard.
H. R. 26634. William H. Woodside.
H. R. 26692. Charles B. Morris.
H. R. 26710. John W. Glover.
H. R. 26724. Mollie T. Willis.
H. R. 26863. John E. Pharnes.
H. R. 26915. George H. Rogers.
H. R. 26916. Charles Archer.
H. R. 26927. William A. Kraft.
H. R. 26956. Theodas Jones.
H. R. 27119. Samuel Goodfellow.
H. R. 27255. Walter H. Gibbs.
H. R. 27304. Delano Prescott.
H. R. 27351. Nicholas Slessman.
H. R. 27353. Morgan S. Lauderbaugh.
H. R. 27369. William M. Elam.
H. R. 27402. Frank A. Thomas.
H. R. 27403. James Grant.
H. R. 27450. David S. Hurst.
H. R. 27470. Edgar Fosmire.
H. R. 27508. Kelsey T. Waters.
H. R. 27512. Francis Schmidt.
H. R. 27514. Fayette Adams, alias Albert L. Henderson.
H. R. 27521. James Kenney.
H. R. 27523. Alfred S. Jackson.
H. R. 27530. Cary T. Thurman.
H. R. 27541. Isaac Byers.
H. R. 27546. Charles E. Lilly.
H. R. 27553. John H. Williams.
H. R. 27623. James McComb.
H. R. 27624. Jacob Freyvogel.
H. R. 27639. Sylvanus Burch.
H. R. 27661. Isaac N. Halley.
H. R. 27664. George E. Wilson.
H. R. 27670. Thomas Mahoney.
H. R. 27710. Thomas D. Sergent.
H. R. 27713. Sarah J. Surber.
H. R. 27748. Eugene Edwin Taylor.
H. R. 27803. Alexander Johnson.
H. R. 27812. Helena Garges.
H. R. 27866. Ella Dennis.
H. R. 27870. J. Howard Titsworth.
H. R. 27871. John W. Larimer.
H. R. 27876. David W. Wood.
H. R. 27888. George T. Smith.
H. R. 27897. Ralph Woodrich.
H. R. 27909. Aaron Tucker.
H. R. 27967. Charles W. Atwell.
H. R. 27992. Philipp Wimmer.
H. R. 27996. Joshua Wainwright.
H. R. 27998. Charles P. Crary.
H. R. 28001. Edwin P. Mayo.
H. R. 28009. Ezra Smith.
H. R. 28071. Asa V. Douglass.
H. R. 28072. Amanzo L. Goddard.
H. R. 28081. Henry Aden.
H. R. 28089. Patrick Shea, alias Henry Bowers.
H. R. 28142. Francis M. Jones.
H. R. 28170. George W. Bell.
H. R. 28175. Charles H. Giles.
H. R. 28204. Walter R. Smail.
H. R. 28290. Henry P. Selvert.
H. R. 28296. William L. Garratt.
H. R. 28324. John McNamara.
H. R. 28334. Alfred Henry.
H. R. 28357. James M. Smith.
H. R. 28362. Lyman H. Essex.
H. R. 28363. Joseph Dieffenbacher.
H. R. 28417. William H. Moeller.
H. R. 28418. John Beazan.
H. R. 28475. John H. Young.
H. R. 28488. Samuel Artist.
H. R. 28491. John Overbey.
H. R. 28512. James F. Hale.
H. R. 28533. George P. Marshall.
H. R. 28548. Almond W. Foy.
H. R. 28558. Edwin Ward.
H. R. 28560. James R. Hudson.
H. R. 28573. Isaac Griffith.
H. R. 28585. Anderson W. Peter.
H. R. 28610. William W. Prine.
H. R. 28635. Richard Riche.
H. R. 28660. John A. Britton.
H. R. 28681. Joshua Nixon.
H. R. 28718. Amelia Kammerdiner.
H. R. 28719. Howard C. Kibbe.
H. R. 28721. Robert Scott.
H. R. 28740. Milton Turner.
H. R. 28744. Timothy Kresge.
H. R. 28753. Franklin William Fernan.
H. R. 28779. Jesse H. Pratt.
H. R. 28853. George W. Clark.
H. R. 28854. Samuel I. Stein.
H. R. 28889. Nathan S. Tandy.
H. R. 28916. Fred H. Gorham.
H. R. 28949. Patrick Colopy.
H. R. 29022. John Neary.
H. R. 29043. Francis M. Brittingham.
H. R. 29047. John J. De Groff.
H. R. 29068. John W. Flaharty.
H. R. 29108. Thomas L. Gillaspie.
H. R. 29110. Edwin T. Marsh.
H. R. 29115. John R. Lewis.
H. R. 29167. George F. Vail.
H. R. 29240. Richard Green.
H. R. 29245. William Wike and Nancy Ellen Wike.
H. R. 29250. Henry Stamm.
H. R. 29252. William Long, alias Logue.
H. R. 29253. William H. Maxwell.
H. R. 29305. Nelson Briley.
H. R. 29337. William J. Phillips.
H. R. 29342. Charles A. Clement.
H. R. 29343. Chillis W. Jenne.
H. R. 29354. Robert R. Mitchell.
H. R. 29396. William H. Baker.
H. R. 29418. Joel H. Burrall.
H. R. 29462. Joseph W. Macdonald.
H. R. 29526. Henry C. Musgrove.
H. R. 29538. Eden Hunt.
H. R. 29552. Lycurgus Botkin.
H. R. 29595. Mary Ann Stevens.
H. R. 29656. Lorenzo D. Fountain.
H. R. 29691. Michael Schone.
H. R. 29704. Jane Quint.
H. R. 29717. John Charleston.

H. R. 29774. Mary Ruppel.
H. R. 29783. Lycurgus B. Gwyn.
H. R. 29789. James M. Proctor.
H. R. 29793. Andrew J. Gatchell.
H. R. 29794. Benjamin Guffey.
H. R. 29884. William J. A. Brown.
H. R. 29889. Caroline S. Pilgrim.
H. R. 29893. John Wolterman.
H. R. 29912. William M. Stuart.
H. R. 29942. Thomas H. Wells.
H. R. 29950. Mary Holt.
H. R. 29952. Daniel W. Woodin.
H. R. 29959. Patrick J. Hurley.
H. R. 29961. Earl Stockwell.
H. R. 29981. Hiram Tubbs.
H. R. 30018. Eliza A. Eastman.
H. R. 30062. Charles C. Griffing.
H. R. 30064. James S. Edie.
H. R. 30066. John S. Brooks.
H. R. 30103. David S. Cox.
H. R. 30117. Dennis W. Finley.
H. R. 30201. William S. Leeds.
H. R. 30236. Sylvester W. Sutton.
H. R. 30270. William G. Hopkins.
H. R. 30301. Abraham Faust.
H. R. 30328. John Franklin Slater.
H. R. 30353. Leroy Harbison.
H. R. 30484. Samuel Strang.
H. R. 30485. John McIntire.
H. R. 30499. Daniel O'Sullivan.
H. R. 30507. William O'Brien.
H. R. 30540. Dixon Tucker.
H. R. 30608. Thaddeus W. Minish.
H. R. 30624. Jesse J. Morris.
H. R. 30628. Devoise Dorrance.
H. R. 30646. Lewis Creamer.
H. R. 30650. Thomas P. Henrie.
H. R. 30667. Lewis J. Walsh.
H. R. 30714. Isaiah McDowell.
H. R. 30715. John Sorrels.
H. R. 30736. William E. Smith.
H. R. 30741. George A. Hunter.
H. R. 30745. William B. Brooks.
H. R. 30772. Frank Steiner.
H. R. 30826. Richard J. Fanning.
H. R. 30843. Austin W. Hall.
H. R. 30844. Abner L. Hunt.
H. R. 30880. Henry H. Rowe.
H. R. 30881. Alfred Dechanet.
H. R. 30980. Edwin S. Beecher.
H. R. 30996. Moses Reeves, jr.
H. R. 31018. Amanda M. Russell.
H. R. 31026. Franklin Foote.
H. R. 31050. Frances E. Strain.
H. R. 31094. William F. Powell.
H. R. 31095. William A. Meloan.
H. R. 31139. Thomas Large.
H. R. 31230. Lorenzo W. Hindman.
H. R. 31283. James Anderson.
H. R. 31414. Stephen S. Jeaness.
H. R. 31415. William H. Keepers.
H. R. 31416. Ebenezer Smith.
H. R. 31553. Nathaniel G. Crowder.

The next pension business on the Private Calendar was the bill (S. 10099) 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 Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Eri C. Tuller, late of Company G, Twelfth Regiment, and Company M, Seventeenth 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 Benjamin F. Harless, late of Company B, 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 George D. Salyer, late of Companies I and A, Seventh Regiment Indiana 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 B. Hedges, late of Company H, Forty-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 Cook Gamble, late of Company G, One hundred and thirty-eighth 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 George W. Rowe, late of Companies G and B, Eighth 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 Lydia C. Rose, widow of Thomas E. Rose, late colonel Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Jonathan M. Ragner, late of Company B, Twenty-seventh Regiment Missouri Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary V. Eveland, widow of Lewis B. Eveland, late first lieutenant Company A, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Artemas Ward, late of Company A, Fifteenth Regiment Michigan 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 Murray V. Livingston, late of Company D, First Regiment Massachusetts 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 C. Lauscher, late of Company G, Twelfth 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 Jasper Blain, late of Company E, 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 John E. Walters, late of Company C, Thirty-ninth Regiment Kentucky 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 Mortimer Stiles, late of Company B, Thirteenth 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 Robert J. Hunt, late of Company B, First Regiment Illinois Volunteer Artillery, and captain's clerk, U. S. S. Great Western and Lexington, 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 Newcomb S. Smith, late hospital steward, Thirty-second Regiment, and assistant surgeon, Thirty-fifth 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 Frank Taylor, late of Company G, Forty-fourth 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 Emeline C. Wachter, former widow of Charles L. Wachter, late hospital steward, United States Army, and pay her a pension at the rate of $12 per month.

The name of John W. De Mott, late of Company I, One hundred and forty-eighth 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 R. Hunter, late of Company A, 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 William I. Powell, late of Company B, Sixth Regiment Tennessee 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. Thompson, late of Company B, Second 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 John Banfill, late of Company F, One hundred and forty-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 Henry Frank, late of Company G, Thirty-ninth 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 F. Pate, late of Company E, Ninety-fourth 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 Jesse Fisher, late of Company A, 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 William S. Russell, late of Company A, First Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maggie Little, widow of Charles W. Little, late of Company C, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel C. Bernhard, late of Company H, Third Regiment 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 Samuel T. Warren, late of Company K, Forty-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 Max Lenz, late of Company F, First Regiment Illinois 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 Ellen E. Brock, widow of Thomas A. Brock, late second lieutenant Company H, Twelfth Regiment Vermont Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward P. Payne, late of Company K, Forty-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 Samuel S. Jordan, late of Company B, Two hundred and sixth 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 Robert McCalmont, late of Company E, One hundred and eighty-eighth 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 James F. Cross, late of Companies F and C, Second Regiment Potomac Home Brigade, Maryland 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 Melvina White, widow of Daniel S. White, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and One hundredth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ella I. Jenkins, widow of John H. Jenkins, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Morris H. Alberger, late major and quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel F. Lynch, late of the Ninth Unattached Company, Massachusetts Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of John D. Slocum, late of Company H, Fifteenth 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 Harrison Thompson, late of Company D, First Regiment Ohio 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. Beasley, late of Company K, Fortieth 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 George W. Reed, late of Company E, Thirtieth 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 Benjamin F. Brubaker, late of Company E, One hundred and eighty-sixth 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 Robert B. Cross, late of Company K, First Regiment Ohio 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 A. Rapp, late of Company H, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin 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 Ann W. Ward, widow of John W. Ward, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Ada May Blanchard, helpless and dependent daughter of Reuben Blanchard, late of Company A, Two hundred and Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Griffin, late of Company G, Fourth 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 Seth Nation, late of Company A, Eighth Regiment Indiana 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 Joseph Burke, late of Company F, Twenty-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 E. McQueen, late of Company A, McClellan Dragoons, Illinois Volunteer Cavalry, and Company H, Twelfth 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 David Adamson, late of Company A, Ninth Regiment Michigan 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 Jefferson Stanley, late of Company F, Thirty-first 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 Albert Person, late of Company G, Twenty-eighth 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 James N. Ballard, late of Company B, First Regiment Vermont 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 Henrietta Magee, widow of David W. Magee, late lieutenant colonel Eighty-sixth Regiment, and colonel Forty-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John T. Rothwell, late of Company H, Eighty-second 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 Albert A. Burleigh, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and Company H, First Regiment Maine 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. Browning, late of Company B, Tenth Regiment West Virginia 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 Daniel P. Jenkins, late of Company G, Fourth Regiment West Virginia 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 Heston, late of Company C, Seventeenth 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 Robert A. Tyson, late second lieutenant Company F, Ninety-second Regiment United States Colored 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 Amos Mardis, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and first lieutenant Company C, Tenth Regiment 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 Lorinda E. Thayer, widow of William F. Thayer, late of Company A, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Hussey, late of Company G, Ninety-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 Michael Sheehan, late of Company I, Eighth Regiment Massachusetts 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 Mathew W. Clark, late of Company D, Sixtieth 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 A. Booth, late of Company G, 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 Margaret O'Dell, former widow of Frederick Giese, late of U. S. S. Grampus, Great Western, and Sybil, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Joseph A. Pennock, late of Company K, Sixteenth 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 Newton W. Hamar, late of Company I, Eleventh 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 Charles H. Hahn, late of Company H, Fifty-sixth 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 Edwin L. Carr, late of Company D, Seventh Regiment New Hampshire 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 Beeler, late of Company E, Eighty-third Regiment Ohio 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 Henry Oliver, late of band, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Mead, late of Company I, Seventh 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 John C. S. Burritt, late of Company F, Ninth 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 Frederick E. Partridge, late of Company A, Sixteenth Regiment Maine 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 Daniel J. Haynes, late of Company A, Thirty-third Regiment, and Company F, Twenty-sixth 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 Anna Eliza Dunkelberg, widow of Charles A. Dunkelberg, late captain Company C, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah Coffin, widow of Thomas C. Coffin, late of Company A, Seventh Regiment Iowa 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 Charles H. Haskin, late captain Company H, Thirteenth 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 Charles C. Hill, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and Company F, Fifteenth 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 Addis E. Kilpatrick, late of Company E, Fifty-eighth Regiment Pennsylvania 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 Benedict Coomes, late of Company K, Forty-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 Sarah A. R. Sumner, widow of Alexander B. Sumner, late major First Regiment Maine Veteran Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Richard Webb, late of Company A, First Regiment Maine 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 A. Colehour, late of Company I, Ninety-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 Fred A. Howard, late of Company F, Twenty-ninth 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 George W. Ray, late of Company G, Seventh Regiment Missouri State Militia 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 A. Detrick, late of Company A, Thirty-eighth 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 Lorinda Herr, widow of John S. S. Herr, late first lieutenant Battery F, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William Landers, late of Company K, Fifty-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 John Barr, late of Company G, Fourth Regiment Missouri Provisional Enrolled Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eugenia Clark, widow of David Clark, late of Company E, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William J. Long, late first lieutenant Company F, Eleventh Regiment Kentucky 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 Edward Higgins, late of Company L, Thirty-first Regiment Maine 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 Leonard N. George, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and Company C, First Regiment New Hampshire 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 E. Haladay, late of Company D, Fourteenth Regiment New Hampshire 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 Elizabeth E. Root, widow of Frank P. Root, late acting second assistant engineer, United States Navy, with rank of ensign, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James J. Garner, late of Company D, Third 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 Isaac J. Long, late of Company G, Purnell Legion, 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 William L. Laffer, late of Company D, Fifty-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 Kate F. Higgins, widow of George Z. Higgins, late surgeon Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Robert B. Horton, late of Company G, Twenty-second Regiment Connecticut 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 R. Bill, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, and captain Company H, Thirty-ninth Regiment United States 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 Addie B. Crowell, widow of Gilman K. Crowell, late of Companies E and K, First Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward H. Dixon, late of Company F, Sixtieth Regiment Massachusetts Volunteer Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sewell D. Batchelder, late of Company G, Second 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 Henry Grebe, late of Company H, Twentieth 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 Minnie Tuft, widow of James K. Tuft, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Christian Unger, late of Company G, Fourth 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 Loyal F. Williams, late second lieutenant Company M, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph Vannatta, late of Company E, Thirty-fifth 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 William L. Gibson, late of Company C, Twenty-second 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 Franklin Boothe, late of Company I, Seventy-fifth Regiment, and Company I, Forty-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 Henry C. Rode, late of Company B, Sixth Regiment United States 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 Albert H. Rogers, late of Company I, Twentieth Regiment, and Company G, Twenty-ninth 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 James F. Robinson, late of Company I, and first lieutenant Company C, First Regiment Maine 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 Campbell, late of Company B, Eleventh Regiment Massachusetts Volunteer Infantry, and Company G, Fifth Regiment United States 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 George B. Little, late of Company I, Third Regiment Vermont 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 Mary E. Lobb, widow of Uriah V. Lobb, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Orlando C. McQueston, late of Company E, Twenty-fifth 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 Thomas J. Chilton, late of Company B, Fifty-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 Mary A. Edgar, widow of George Edgar, late of U. S. S. Constitution, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alice Cole, widow of William H. Cole, late of Company K, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elijah W. Smith, late of United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Watson D. Maxwell, late of Company L, Fifth 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 James L. Parham, late of Company A, Eighth Regiment Tennessee 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 Conrad I. Plank, late of Company G, Forty-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 David G. Bliss, late of Battery F, First 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 David Wadsworth, late captain Company F, Third Regiment New Hampshire 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 Jeannetta Scott, widow of John M. Scott, late of Company A, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of George F. Falconer, late of Company H, One hundred and twenty-eighth 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 C. Bence, late of Company B, First Battalion Fourteenth Regiment United States 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 J. Ritchie, late of Company A, Fifth Regiment Connecticut 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 E. Fenner, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and Battery F, First Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira Trowbridge, late of Company G, Twenty-third 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 Michael Dillon, late of Company A, Forty-fourth 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 Antimus King, widow of John King, late captain Company G, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ira T. Bronson, late first lieutenant Company C, Fifth Regiment New Hampshire 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 E. Bowen, late of U. S. S. Ohio, Bat, and Malvern, 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 Mary H. Nye, widow of Henry K. Nye, late of Company K, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of J. Murry Warren, late of Twenty-sixth Unattached Company Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he now receiving.

The name of Annie E. Dunton, widow of Albert D. B. Dunton, late of Thirteenth Independent Battery Michigan Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George C. Snow, late of Company F, Forty-second 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 Edwin R. Bonnell, late of Company K, 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 Jeremiah C. Gladish, late captain Company G, Eightieth 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 Frank Westmiller, late of Company D, Second Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. De Moe, widow of Earl C. De Moe, late first lieutenant Company C, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William R. Keyte, late of Company E, Fiftieth 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 Enos Wright, late of Company G, Twenty-eighth 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 James O. Palmer, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and Company H, Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Owen Thomas, late of Company F, One hundred and seventeenth 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 Calvin A. Fisher, late of Company G, Fourth Regiment Vermont 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 Mary B. Jenks, widow of George W. Jenks, late captain Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert Otto, late of Company I, Twenty-first 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 Emily J. Swaney, widow of John W. Swaney, late of Company C, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Patrick O'Donnell, late of Company E, Ninth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

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

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 48. Eri C. Tuller.
S. 75. Benjamin F. Harless.
S. 280. George D. Salyer.
S. 582. Thomas B. Hedges.
S. 650. Cook Gamble.
S. 830. George W. Rowe.
S. 1746. Lydia C. Rose.
S. 1804. Jonathan M. Ragner.
S. 1939. Mary V. Eveland.
S. 2150. Artemus Ward.
S. 2536. Murray V. Livingston.
S. 2729. William C. Lauscher.
S. 2880. Jasper Blain.
S. 2935. John E. Walters.
S. 3088. Mortimer Stiles.
S. 3238. Robert J. Hunt.
S. 3352. Newcomb S. Smith.
S. 3388. Frank Taylor.
S. 3396. Emeline C. Wachter.
S. 3713. John W. De Mott.
S. 3729. William R. Hunter.
S. 3818. William I. Powell.
S. 3819. William H. Thompson.
S. 3821. John Banfill.
S. 3940. Henry Frank.
S. 4117. Samuel F. Pate.
S. 4120. Jesse Fisher.
S. 4163. William S. Russell.
S. 4158. Maggie Little.
S. 4547. Samuel C. Bernhard.
S. 4660. Samuel T. Warren.
S. 4662. Max Lenz.
S. 4669. Ellen E. Brock.
S. 4686. Edward P. Payne.
S. 4843. Samuel S. Jordan.
S. 5098. Robert McCalmont.
S. 5111. James F. Cross.
S. 5240. Melvina White.
S. 5321. Ella I. Jenkins.
S. 5323. Morris H. Alberger.
S. 5358. Daniel F. Lynch.
S. 5452. John D. Slocum.
S. 5683. Harrison Thompson.
S. 5686. George W. Beasley.
S. 5754. George W. Reed.
S. 5796. Benjamin F. Brubaker.
S. 5897. Robert B. Cross.
S. 5922. James A. Rapp.
S. 5964. Ann W. Ward.
S. 6005. Ada May Blanchard.
S. 6127. Thomas Griffin.
S. 6147. Seth Nation.
S. 6179. Joseph Burke.
S. 6194. Charles E. McQueen.
S. 6196. David Adamson.
S. 6443. Jefferson Stanley.
S. 6513. Albert Person.
S. 6673. James N. Ballard.
S. 6687. Henrietta Magee.
S. 6716. John T. Rothwell.
S. 6847. Albert A. Burleigh.
S. 6893. James H. Browning.
S. 6961. Daniel P. Jenkins.
S. 6997. David Heston.
S. 7025. Robert A. Tyson.
S. 7028. Amos Mardis.
S. 7051. Lorinda E. Thayer.
S. 7278. John C. Hussey.
S. 7295. Michael Sheehan.
S. 7324. Mathew W. Clark.
S. 7351. John A. Booth.
S. 7515. Margaret O'Dell.
S. 7812. Joseph A. Pennock.
S. 7858. Newton W. Hamar.
S. 7861. Charles H. Hahn.
S. 7863. Edwin L. Carr.
S. 7904. John Beeler.
S. 7921. Henry Oliver.
S. 8044. Hiram Mead.
S. 8130. John C. S. Burritt.
S. 8167. Frederick E. Partridge.
S. 8237. Daniel J. Haynes.
S. 8273. Anna Eliza Dunkelberg.
S. 8306. Sarah Coffin.
S. 8335. Charles H. Haskin.
S. 8362. Charles C. Hill.
S. 8363. Addis E. Kilpatrick.
S. 8367. Benedict Coomes.
S. 8434. Sarah A. R. Sumner.
S. 8435. Richard Webb.
S. 8506. James A. Colehour.
S. 8510. Fred A. Howard.
S. 8529. George W. Ray.
S. 8530. Charles A. Detrick.
S. 8536. Lorinda Herr.
S. 8557. William Landers.
S. 8559. John Barr.
S. 8588. Eugenia Clark.
S. 8596. William J. Long.
S. 8663. Edward Higgins.
S. 8666. Leonard N. George.
S. 8746. George E. Haladay.
S. 8785. Elizabeth E. Root.
S. 8788. James J. Garner.
S. 8799. Isaac J. Long.
S. 8814. William L. Laffer.
S. 8835. Kate F. Higgins.
S. 8839. Robert B. Horton.
S. 8840. George R. Bill.
S. 8911. Addie B. Crowell.
S. 8912. Edward H. Dixon.
S. 8913. Sewell D. Batchelder.
S. 8924. Henry Grebe.
S. 8971. Minnie Tuft.
S. 8973. Christian Unger.
S. 8974. Loyal F. Williams.
S. 8978. Joseph Vannatta.
S. 8980. William L. Gibson.
S. 9013. Franklin Boothe.
S. 9014. Henry C. Rode.
S. 9015. Albert H. Rogers.
S. 9019. James F. Robinson.
S. 9032. William Campbell.
S. 9069. George B. Little.
S. 9073. Mary E. Lobb.
S. 9085. Orlando C. McQueston.
S. 9118. Thomas J. Chilton.
S. 9119. Mary A. Edgar.
S. 9122. Alice Cole.
S. 9152. Elijah W. Smith.
S. 9185. Watson D. Maxwell.
S. 9187. James L. Parham.
S. 9221. Conrad I. Plank.
S. 9277. David G. Bliss.
S. 9289. David Wadsworth.
S. 9310. Jeannetta Scott.
S. 9317. George F. Falconer.
S. 9340. James C. Bence.
S. 9343. William J. Ritchie.
S. 9345. James E. Fenner.
S. 9353. Ira Trowbridge.
S. 9355. Michael Dillon.
S. 9356. Antimus King.
S. 9358. Ira T. Bronson.
S. 9379. John E. Bowen.
S. 9381. Mary H. Nye.
S. 9418. J. Murry Warren.
S. 9419. Annie E. Dunton.
S. 9484. George C. Snow.
S. 9485. Edwin R. Bonnell.
S. 9539. Jeremiah C. Gladish.
S. 9547. Frank Westmiller.
S. 9608. Mary J. De Moe.
S. 9620. William R. Keyte.
S. 9621. Enos Wright.
S. 9653. James O. Palmer.
S. 9684. Owen Thomas.
S. 9685. Calvin A. Fisher.
S. 9720. Mary B. Jenks.
S. 9731. Albert Otto.
S. 9750. Emily J. Swaney.
S. 9764. Patrick O'Donnell.

The next business on the Private Calendar was the bill (H. R. 32078) 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 etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Martin Davis, late of Company G, One hundred and ninth Regiment, and Company E, Eleventh 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 Amos G. Mount, late of Company B, Sixth 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 Joseph Osthelder, late of Company C, Fourth Regiment Wisconsin 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 S. Shuster, late of Company B, Ninetieth 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 Jacob Killinger, late of Company D, Forty-sixth 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 Byron Fisher, late of Company H, Seventh 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 Thomas S. Nutter, late of Company K, Tenth Regiment West Virginia 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 Soper, late of Capt. Gaskell's independent company, Acting Engineers, 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 Isaac Jenkins, late of Company B, First Regiment New York 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 Alvis H. Thomasson, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza V. Blair, widow of James C. Blair, late of Company H, Eighteenth Regiment, and Company F, One hundred and forty-fifth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jacob Dewalt, late of Company F, Twenty-eighth Regiment Pennsylvania 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 Viola A. Shaw, helpless and dependent child of Eli Shaw, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William O. Washburne, late of Company M, Sixteenth 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 Thomas Barton, late of Company E, One hundred and eighty-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 John Hanner, late of Company B, Twenty-second 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 Henry Blevins, late of Company A, Third Regiment Tennessee 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 Hotgdon, late of Company H, Second Regiment Minnesota 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 Jesse K. Freeman, late captain Company H, Eleventh 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 Moris Grienfeld, late of Company C, Thirty-first 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 John M. Spurgin, late of Company A, Fiftieth 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 W. McMillan, late of Company A, Eightieth 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 G. Mechling, late of Company L, Fourteenth Regiment Pennsylvania 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 Robert McMartin, late of Company B, Fifth 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 Robert Powell, late of Company I, Fourteenth Regiment West Virginia 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. Dewoody, late of Company D, Sixtieth 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 Thomas H. Neil, late of Company D, One hundred and fifty-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 Phillippe Lehmann, late of Company A, Second Independent Battalion, Second 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 Mary Ann Fletcher, dependent mother of Joseph E. Fletcher, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William F. Dinkins, late of Company E, Sixty-sixth 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 William H. Watson, late of Company F, Eighth Regiment, and Company D, Thirteenth 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 Wallace Parker, late of Company B, Forty-ninth 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 John Thompson, late of Company B, Forty-ninth 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 Katie P. Bretow, widow of Charles A. Bretow, late of Company G, Ninth Regiment Michigan Volunteer Infantry, and Company A, Third Battalion, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Winfield S. Bland, late of Company H, Sixty-fourth 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 Felix M. Hill, late of Company E, Second 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 David D. Page, late of Company H, First Regiment New Hampshire 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 Rebecca J. Cole, dependent mother of John A. Farrar, late of Company H, Twelfth Regiment Missouri 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 George Ash, late of Company H, Fifty-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 William H. Ruckle, late second lieutenant Company D, Sixteenth 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 Henry W. Reed, late first lieutenant Company H, Second Regiment Massachusetts 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 Thomas H. Patten, late second lieutenant Company I, Second 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 Samuel Barton, late of Company G, Ninety-first Regiment Indiana 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 William Given, late of Company D, Forty-eighth 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 John S. Dabney, late of Company A, Eighth Regiment Indiana 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 Schuetz, late of Battery A, West Virginia Volunteer Light Artillery, and Independent Battery E, 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 Joseph Wait, late of Company A, One hundred and fourteenth Regiment United States Colored 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 Aaron J. Hall, late of Company F, One hundred and thirty-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 William Thomas, late of Company L, Sixty-second Regiment Pennsylvania Volunteer Infantry, and Company F, Ninth Regiment United States 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 Edwin W. Bretz, late of Company C, 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 William H. H. Taylor, late of Company H, and sergeant major Twenty-seventh 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 Stubbins, late of Company C, Twelfth 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 Andrew Veling, late of Oneida Independent Company, 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 Edward P. Everett, late of Company L, Ninth 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 Henry H. Grimmett, late of Company C, Thirty-ninth 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 Edwin Daharsh, late of Company I, First 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 Joseph R. Landis, late of Company H, One hundred and third 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 Isaac Price, late of Fourth Battery Indiana 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 Baker, late of Company L, Third Regiment Pennsylvania 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 Elizabeth Fromme, widow of Edward Fromme, late of Company I, Forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Squire Bennett, late of Company D, Ninety-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 William S. Withers, late of Company D, Sixty-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 William Nuttall, late of Company B, One hundred and fiftieth 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 H. Lynn, late of Company C, Nineteenth 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 Lorin S. Porter, late of Company A, First 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 R. Ellenwood, late of Company F, Seventh Regiment, and Company G, Fifth 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 J. Holland, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and Company H, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lars L. Staleim, late of Company G, Twelfth 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 Benjamin F. Jacks, late of Company A, 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 John Noonan, late of U. S. S. Vermont, Potomac, and A. D. Vance, 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 Charles A. Pettibone, late captain Company I, First Regiment Wisconsin 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 Esclaim Sanville, late of Company G, Seventeenth Regiment Wisconsin 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 Mary E. King, widow of Thomas King, late of U. S. S. Tioga, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of De Witt C. Ridenour, late of Company D, One hundred and twenty-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 Horatio B. Sawyer, late first lieutenant Company G, Eighth Regiment Maine 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 George Yocom, late of Company E, 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 Miranda C. Thompson, widow of William Thompson, late of Company B, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles A. Smith, late of Companies E, B, and M, Thirteenth 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 Charles A. Erickson, late of Company I, Sixth 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 Abijah R. Fross, late of Company C, One hundred and 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 James Thorington, late of Company I, Twenty-first 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 Nathaniel S. Greene, late of Company F, Sixtieth 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 Sereno G. Dudley, late of Company B, Third 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 Francis M. Haynes, late of Company C, One hundred and twenty-sixth 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 John C. Green, late of Company C, Sixteenth Regiment Pennsylvania 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 Melvin, late of Company A, Fifteenth Regiment New York Volunteer Cavalry, and Company A, Second Regiment New York Provisional 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 Serena A. Fink, widow of Isaac Fink, late unassigned, Second Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joseph D. Eveland, late of Company D, Thirty-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 Freeman C. Morrison, late of Company D, One hundred and seventy-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 James R. Morrison, late of Company K, Thirteenth Regiment New Hampshire 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 Aaron M. Adamson, late first lieutenant Company E, Sixty-second Regiment United States Colored 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 Andrew J. Hart, late of Company F, Seventh Regiment, and Company H, 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 Jay F. Barker, late of Company F, Eighth 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 Mary E. Johnson, widow of Welcome A. Johnson, late of Companies B and C, First Regiment Rhode Island 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 William Green, late of Company D, Ninety-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 Heinrich Blitz, late of Company C, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and Company D, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Boller, late first lieutenant Company E, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catharine Green, widow of John Green, late of Company C, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Orion H. Williams, late of Company E, Twenty-first 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 William J. Opie, late of Company D, Forty-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 Felix W. McNeill, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and Company C, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson P. Atwood, late of Company A, Eighth Regiment Illinois Volunteer Cavalry, and Company E, One hundred and twenty-fourth 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 Thomas Kane, late of Company H, One hundred and forty-first 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 Frederick J. Lawrence, late of Company D, Fifty-third Regiment Massachusetts 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 Black, late of Company H, Fifth Regiment Ohio 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 Stoneking, late of Company I, Twentieth 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 Jesse J. Cox, late of Battery L, Second Regiment Missouri 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 Joseph W. Patton, late of Company B, Eighteenth Regiment Pennsylvania 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 Edwin A. Watson, late of Company B, One hundred and forty-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 Jacob Earnest, late of Company E, Eleventh Regiment, and Company H, Forty-sixth 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 Charles H. Pierson, late of Company I, One hundred and forty-second Regiment Ohio 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 W. Voris, late of Company B, Eleventh 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 James A. Smiley, late of Company F, Twenty-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 Lewis D. Buckley, late of Company H, Sixty-eighth 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 John H. Harrison, late of Company E, Fifteenth Regiment Pennsylvania 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 J. Burkhead, late of Company B, Sixth 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 Andrew J. Conley, late of Company F, Twenty-fourth Regiment Indiana 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 Henry Romine, late of Company K, Nineteenth 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 Joseph T. Hanson, late of Company C, 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 William C. Downey, late of Company C, Two hundred and sixth 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 Mathias Conrath, late of Company B, Sixty-seventh 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 Samuel L. Balden, late of Company G, Eighth 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 Jane Martin, widow of Robert Martin, late of Company G, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Murch, late of Company G, Seventeenth Regiment United States 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 M. Robinson, late of Company K, Second 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 Oren W. Bartlett, late of Company L, First Regiment District of Columbia Volunteer Cavalry, and Company B, First Regiment Maine 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 Thomas J. Sheppard, late of Company E, Ninety-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 Mary Ann Bieger, widow of Philipp Bieger, late of Company K, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Then name of George H. Smith, late of Company D, Two hundred and third 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 Garvin Longmuir, second lieutenant Company G, One hundred and fifth 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 Stephen Seeley, late of Company G, Third Regiment Michigan 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 Horace B. Scoville, late of Company C, One hundred and fifth Regiment Ohio 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 John H. Atchison, late of Company C, Eighty-fifth 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 Joseph F. Swords, late of Company G, and second principal musician Eighty-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 Martin Gross, late of Company D, First Regiment Potomac Home Brigade Maryland 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 A. Dawney, late of Company B, First Regiment Maryland 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 Gordon Thomas, late of Company F, Second 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 Richard W. Brooks, late of Company D, One hundred and fortieth 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 Mahlon Lord, late of Company A, One hundred and eighteenth 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 Ole F. Johnson, late captain Company K, Forty-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 Henry W. Rowe, late of Company I, Eleventh 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 George M. Sawyer, late of Company C, Second 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 George R. Harrington, late of Company H, Eighth Regiment Vermont 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 P. Albin, late of Company D, Fifty-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 Samuel R. Mapes, late of Company G, Sixty-ninth 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 Benjamin J. Clark, late of Company E, Sixtieth Regiment Illinois 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 Leander Woods, late of Company H, Eighty-second Regiment Indiana 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 William Allen, late of Company E, Sixth 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 Francis C. Waller, late of Company E, 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 George N. Chidester, late of First Independent Battery 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 Elizabeth Moore, widow of Henry A. Moore, late of Company D, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Pettis, late of Company C, One hundred and forty-fourth 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 Levi D. Samis, late of Company C, Third Regiment Pennsylvania 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 Timothy Maloney, late unassigned, Second Regiment Massachusetts Volunteer Heavy Artillery, and Company G, 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 George W. T. Ent, late of Company E, Seventeenth 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 Holvorson, late of Company I, Thirty-eighth 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 Joseph Laporte, late of Company D, Thirty-fourth Regiment Massachusetts 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 Orlando P. Sala, late of Company A, First Regiment Iowa 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 Samuel S. Wilson, late of Company E, Thirty-ninth Regiment, and Company I, One hundred and ninety-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 Andrew D. Smith, late of Company C, One hundred and thirty-ninth 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 Frederick F. Collender, late of Company I, Fifth Regiment Connecticut 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 Lewis A. Purinton, late of Company I, Fourth 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 Norman Morford, late of Company A, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, 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. Martin, late of Company D, First Regiment West Virginia Volunteer Infantry, and Company F, First Regiment United States 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. Sherbondy, late of Company I, One hundred and eleventh Regiment Ohio Volunteer Infantry, and Forty-eighth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Barrows, late of Company G, Forty-fifth 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 Nathaniel G. Parker, late of Company G, Sixth Regiment Iowa 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 George W. Potter, late of Company F, Second Regiment East Tennessee 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. Crist, late of Company I, One hundred and sixty-eighth 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 George M. Ellis, late of Company H, One hundred and forty-third 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 Ward, late of U. S. S. Vermont, Portsmouth, and Potomac, 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 George Pool, late of Company B, Eighty-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 Frederick R. Bell, late of Company A, 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 Albert G. E. Shaff, late of Company E, Two hundred and sixth 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 W. Chastain, late of Company A, First Battalion Georgia 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 James W. Dean, late of Company A, 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 John W. Parnel, late of Company I, One hundred and twenty-fifth 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 John Goethe, late of Company K, First Regiment, Wisconsin 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 Albert F. McDonald, late of Company I, Thirtieth 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 Samuel C. Elberson, late of Company E, Twelfth Regiment New Jersey 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 John H. T. Yost, late of Company F, 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 John McClean, late of Company F, Nineteenth Regiment New York State 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 Frank Kaiser, late of Company K, Twelfth Regiment Iowa Volunteer Infantry, and Company K, Seventeenth 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 William Hart, late of Company A, Fifty-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 Cassius H. Darling, late of Company K, Forty-sixth Regiment Massachusetts Volunteer Infantry, and Company G, Second 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 Charles W. Loomis, alias William Marsh, late of Company M, 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 Samuel Belshe, late of Company D, Thirteenth Regiment, and Company D, Fifth Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Moore, late of Company I, and quartermaster sergeant Thirty-second Regiment Missouri 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 C. Allen, late of Company H, Thirty-second Regiment, and Company H, Fifteenth 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 Austin Curtin, late captain Company D, Forty-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 J. Davis, late of Company C, One hundred and twenty-fifth 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 L. Easter, late of Company I, Thirty-ninth Regiment Ohio 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 John Toner, late of Company I, Ninety-first 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 Harley Beebe, late of Company D, One hundred and ninety-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 Frank P. Grove, late of Company H, One hundred and twenty-sixth 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 Van Buren Hinds, late of Company K, Forty-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 William C. Meusch, late of Company G, United States Reserve Corps, Cole County, Mo., Home Guards, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Clarence R. Taft, late of Company D, Twenty-third 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 Alexander Bevins, late of Company F, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of M. Darwin Williams, late of Twenty-fifth Battery 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 Adele Barnett, helpless and dependent child of John Barnett, late of Company I, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Luther H. Robinson, late of Company B, 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 George Wise, late of Company I, First Regiment Kentucky Volunteer Infantry, and captain, Simonds independent battery, Kentucky 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 Stephen D. Compton, late of Company E, Fiftieth 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 John P. Whiteaker, late of Company M, Third Regiment Missouri State Militia 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 Bowers, late of Company A, One hundred and ninety-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 John Fogle, late of Company F, One hundred and fifteenth 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 M. Whitley, late of Company D, Seventy-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 Joseph Murray, late of U. S. S. Vermont, Chenango, and Princeton, 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 Philip Clause, late of Company A, One hundred and sixteenth 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 John E. Tygert, late of Company C, One hundred and seventy-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 John Avey, late second lieutenant Company C, Seventy-second Regiment Illinois 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 Abraham Collings, late of Company M, Second 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 Moses D. Payne, late of Company I, 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 Henry Radney, late of Company K, Second Regiment Pennsylvania 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 Josiah E. George, late of Company B, Seventy-seventh 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 William W. De Moss, late first lieutenant Company K, Forty-sixth 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 Kate N. Mytinger, helpless and dependent child of Charles W. Mytinger, late unassigned, Twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles McGinley, late first lieutenant and regimental quartermaster Thirty-second Regiment United States Colored 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 Peterson, late of Company E, First Regiment New York Volunteer Marine Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Emmons, late of Company D, One hundred and fifteenth Regiment, and Company D, One hundred and eighty-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 Feit, late of Company K, Fourteenth Regiment Pennsylvania 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 Creed F. Boyer, late of Company A, Third Regiment Tennessee 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 William H. Perkins, late of Company F, Sixteenth Regiment Kansas 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 H. Dilley, late of Company I, Sixth Regiment Ohio 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 Henri B. Cole, late assistant surgeon, One hundred and twenty-eighth 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 Edward Sayer, late of Company C, One hundred and sixth Regiment New York 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 Catherine F. Hughes, widow of William H. Hughes, late third assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Sarah M. King, widow of Thomas B. King, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Isaac H. M. Pray, late of Company K, Thirteenth 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 James H. F. Knapp, late of Company F, Seventeenth 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 George Kountz, late captain Company G, One hundred and eighty-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 Henry Earl, late of Company M, Third 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 Luke Brennan, late of Company E, Forty-ninth Regiment Massachusetts Militia 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. Calhoon, late of Company G, First Regiment Ohio 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 William W. Stone, helpless and dependent child of William W. Stone, late of Company F, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John C. Burns, late of Company D, Second Regiment California 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 James H. Mitchell, late of Company I, 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 John Mitton, late of U. S. S. North Carolina and Onondaga, 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 Loron W. Hilliker, late of Company K, Fourteenth 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 John Smith, alias John Wood, late of Company F, Thirteenth Regiment Connecticut Volunteer Infantry, and Company G, 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 Foster E. Parsons, late sergeant major, Second Battalion, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmira C. Burrows, widow of Cyrus E. Burrows, late of Company F, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Asa M. Franklin, late of Company E, Fifth Regiment Massachusetts 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 Hattie Hanna, widow of William S. Hanna, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James R. Wise, late first lieutenant Company I, Eleventh Regiment Kentucky 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 Moses R. Allen, late of Company B, First Regiment Rhode Island 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 Vickery Wyatt, late of Company F, First Regiment United States 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 Thomas M. Stuart, late of Company K, Eleventh Regiment, and Company A, 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 Benjamin P. Goddard, late of Company I, Eleventh 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 William O'Callaghan, late of U. S. S. Fahkee, 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 Edward F. Spear, late of Company B, Twenty-sixth Regiment Maine 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 Mary E. Cruthers, former widow of John Young, late of Company C, Twelfth Regiment Indiana 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 William R. Thetford, late of Company C, Thirteenth Regiment New York State Militia Artillery, 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. Rogers, late of Company H, Twenty-eighth Regiment New Jersey 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 Julius R. Elder, late of Company K, Eighty-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 Francis Allen, late of Company G, Third 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 William H. Vass, late of Company D, Second 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 Helena Dollenmeyer, widow of Conrad Dollenmeyer, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Murry, widow of Alexander Murry, late captain, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George E. Orrok, late of Company E, Thirteenth Regiment Massachusetts 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 Olive B. Kilburn, widow of Frank P. Kilburn, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Gaynor, late of Battery L, 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 William G. Mellinger, late of Company I, Seventh Regiment Maryland 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 Hale P. Sylvester, late of Company G, 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 Edward Hearin, late of Company G, Twentieth Regiment Maine 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. Taylor, late of Company E, One hundred and fiftieth Regiment Illinois 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 Harrold, late of Company M, Second 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 Justin F. Simonds, late acting assistant surgeon, Medical Department, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simeon B. Brown, late of Company C, Fifth Regiment New York 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 Edward White, late of Company F, Two hundred and third 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 Highwell D. Helmer, late of Company A, Eighty-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 William Campion, late of U. S. S. Vermont and Grand Gulf, 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 Eli F. Hudson, late of Company A, 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 Elnathan Wert, late of Company B, One hundred and twentieth 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 Henry C. Plumer, late of Companies K and C, 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 Frederick Blair, late of Company I, Eighth 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 Charles H. Parketon, late of Company I, Twelfth 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 Beriah M. Duncan, late of Company G, Fourth Regiment Pennsylvania 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 Bruno Bemm, late of Company H, Twenty-sixth Regiment Wisconsin 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 George W. Asher, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move to amend, on page 32, by striking out lines 3, 4, 5, and 6, the beneficiary, John G. Goethe, being dead.

The Clerk read as follows:

Page 32, strike out lines 3, 4, 5, and 6.

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

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

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1297. Martin Davis.
H. R. 1691. Amos G. Mount.
H. R. 1790. Joseph Osthelder.
H. R. 1954. William S. Shuster.
H. R. 3557. Jacob Killinger.
H. R. 3862. Byron Fisher.
H. R. 4198. Thomas S. Nutter.
H. R. 4236. James Soper.
H. R. 4864. Isaac Jenkins.
H. R. 5077. Alvis H. Thomasson.
H. R. 5117. Eliza V. Blair.
H. R. 5307. Jacob Dewalt.
H. R. 6006. Viola A. Shaw.
H. R. 6053. William O. Washburne.
H. R. 6648. Thomas Barton.
H. R. 7823. John Hanner.
H. R. 8428. Henry Blevins.
H. R. 8893. Charles Hotgdon.
H. R. 9761. Jesse K. Freeman.
H. R. 10496. Moris Grienfeld.
H. R. 11379. John M. Spurgin.
H. R. 11386. John W. McMillan.
H. R. 12019. Henry G. Mechling.
H. R. 12456. Robert McMartin.
H. R. 12918. Robert Powell.
H. R. 12961. George W. Dewoody.
H. R. 14050. Thomas H. Neil.
H. R. 14054. Phillippe Lehmann.
H. R. 14314. Mary Ann Fletcher.
H. R. 14746. William F. Dinkins.
H. R. 14844. William H. Watson.
H. R. 14851. Wallace Parker.
H. R. 14855. John Thompson.
H. R. 15080. Katie P. Bretow.
H. R. 15366. Winfield S. Bland.
H. R. 15733. Felix M. Hill.
H. R. 15757. David D. Page.
H. R. 16605. Rebecca J. Cole.
H. R. 17607. George Ash.
H. R. 17965. William H. Ruckle.
H. R. 18637. Henry W. Reed.
H. R. 18638. Thomas H. Patten.
H. R. 18938. Samuel Barton.
H. R. 19004. William Given.
H. R. 19219. John S. Dabney.
H. R. 19291. George Schuetz.
H. R. 19449. Joseph Wait.
H. R. 19506. Aaron J. Hall.
H. R. 20170. William Thomas.
H. R. 20520. Edwin W. Bretz.
H. R. 20594. William H. H. Taylor.
H. R. 20997. William Stubbins.
H. R. 21406. Andrew Veling.
H. R. 21536. Edward P. Everett.
H. R. 21699. Henry H. Grimmett.
H. R. 22060. Edwin Daharsh.
H. R. 22141. Joseph R. Landis.
H. R. 22307. Isaac Price.
H. R. 23058. John Baker.
H. R. 23213. Elizabeth Fromme.
H. R. 23345. Squire Bennett.
H. R. 23679. William S. Withers.
H. R. 23713. William Nuttall.
H. R. 23987. James H. Lynn.
H. R. 24389. Lorin S. Porter.
H. R. 24658. James R. Ellenwood.
H. R. 24727. John J. Holland.
H. R. 24918. Lars L. Staleim.
H. R. 25029. Benjamin F. Jacks.
H. R. 25030. John Noonan.
H. R. 25065. Charles A. Pettibone.
H. R. 25158. Esclaim Sanville.
H. R. 25382. Mary E. King.
H. R. 25568. De Witt C. Ridenour.
H. R. 25634. Horatio B. Sawyer.
H. R. 25682. George Yocom.
H. R. 25722. Miranda C. Thompson.
H. R. 25861. Charles A. Smith.
H. R. 25890. Charles A. Erickson.
H. R. 25930. Abijah R. Fross.
H. R. 26203. James Thorington.
H. R. 26272. Nathaniel S. Greene.
H. R. 26370. Sereno G. Dudley.
H. R. 26630. Francis M. Haynes.
H. R. 26661. John C. Green.
H. R. 26778. John Melvin.
H. R. 26821. Serena A. Fink.
H. R. 26841. Joseph D. Eveland.
H. R. 26884. Freeman C. Morrison.
H. R. 26904. James R. Morrison.
H. R. 27022. Aaron M. Adamson.
H. R. 27105. Andrew J. Hart.
H. R. 27134. Jay F. Barker.
H. R. 27171. Mary E. Johnson.
H. R. 27321. William Green.
H. R. 27349. Heinrich Blitz.
H. R. 27368. Charles Boller.
H. R. 27376. Catharine Green.
H. R. 27427. Orion H. Williams.
H. R. 27449. William J. Opie.
H. R. 27463. Felix W. McNeill.
H. R. 27505. Nelson P. Atwood.
H. R. 27511. Thomas Kane.
H. R. 27524. Frederick J. Lawrence.
H. R. 27538. Joseph Black.
H. R. 27551. George Stoneking.
H. R. 27679. Jesse J. Cox.
H. R. 27706. Joseph W. Patton.
H. R. 27709. Edwin A. Watson.
H. R. 27719. Jacob Earnest.
H. R. 27739. Charles H. Pierson.
H. R. 27749. William W. Voris.
H. R. 27773. James A. Smiley.
H. R. 27806. Lewis D. Buckley.
H. R. 27808. John H. Harrison.
H. R. 27902. Andrew J. Burkhead.
H. R. 27931. Andrew J. Conley.
H. R. 27955. Henry Romine.
H. R. 28037. Joseph T. Hanson.
H. R. 28047. William C. Downey.
H. R. 28052. Mathias Conrath.
H. R. 28069. Samuel L. Balden.
H. R. 28073. Jane Martin.
H. R. 28177. George W. Murch.
H. R. 28178. Charles M. Robinson.
H. R. 28182. Oren W. Bartlett.
H. R. 28246. Thomas J. Sheppard.
H. R. 28270. Mary Ann Bieger.
H. R. 28292. George H. Smith.
H. R. 28375. Garvin Longmuir.
H. R. 28376. Stephen Seeley.
H. R. 28449. Horace B. Scoville.
H. R. 28465. John H. Atchison.
H. R. 28479. Joseph F. Swords.
H. R. 28566. Martin Gross.
H. R. 28567. James A. Dawney.
H. R. 28659. Gordon Thomas.
H. R. 28679. Richard W. Brooks.
H. R. 28687. Mahlon Lord.
H. R. 28722. Ole F. Johnson.
H. R. 28748. Henry W. Rowe.
H. R. 28752. George M. Sawyer.
H. R. 28760. George R. Harrington.
H. R. 28817. Joseph P. Albin.
H. R. 28825. Samuel R. Mapes.
H. R. 28852. Benjamin J. Clark.
H. R. 28886. Leander Woods.
H. R. 28902. William Allen.
H. R. 28935. Francis C. Waller.
H. R. 29032. George N. Chidester.
H. R. 29037. Elizabeth Moore.
H. R. 29049. Henry C. Pettis.
H. R. 29071. Levi D. Samis.
H. R. 29138. Timothy Maloney.
H. R. 29168. George W. T. Ent.
H. R. 29226. John Holvorson.
H. R. 29229. Joseph Laporte.
H. R. 29244. Orlando P. Sala.
H. R. 29247. Samuel S. Wilson.
H. R. 29254. Andrew D. Smith.
H. R. 29350. Frederick F. Collender.
H. R. 29357. Lewis A. Purinton.
H. R. 29395. Norman Morford.
H. R. 29412. Andrew J. Martin.
H. R. 29427. George W. Sherbendy.
H. R. 29434. Charles H. Barrows.
H. R. 29436. Nathaniel G. Parker.
H. R. 29523. George W. Potter.
H. R. 29533. George H. Crist.
H. R. 29537. George M. Ellis.
H. R. 29547. James Ward.
H. R. 29615. George Pool.
H. R. 29631. Frederick R. Bell.
H. R. 29633. Albert G. E. Shaff.
H. R. 29640. John W. Chastain.
H. R. 29641. James W. Dean.
H. R. 29647. John W. Parnel.
H. R. 29777. John Goethe.
H. R. 29796. Albert F. McDonald.
H. R. 29853. Samuel C. Elberson.
H. R. 29886. John H. T. Yost.
H. R. 29888. John McClean.
H. R. 29911. Frank Kaiser.
H. R. 29913. William Hart.
H. R. 29915. Cassius H. Darling.
H. R. 29932. Charles W. Loomis, alias William Marsh.
H. R. 29953. Samuel Belshe.
H. R. 30002. Jesse Moore.
H. R. 30021. David C. Allen.
H. R. 30046. Austin Curtin.
H. R. 30056. William J. Davis.
H. R. 30057. Henry L. Easter.
H. R. 30070. John Toner.
H. R. 30071. Harley Beebe.
H. R. 30089. Frank P. Grove.
H. R. 30126. Van Buren Hinds.
H. R. 30127. William C. Meusch.
H. R. 30163. Clarence R. Taft.
H. R. 30237. Alexander Bevins.
H. R. 30268. M. Darwin Williams.
H. R. 30302. Adele Barnett.
H. R. 30319. Luther H. Robinson.
H. R. 30321. George Wise.
H. R. 30394. Stephen D. Compton.
H. R. 30398. John P. Whiteaker.
H. R. 30423. Isaac Bowers.
H. R. 30438. John Fogle.
H. R. 30466. Joel M. Whitley.
H. R. 30480. Joseph Murray.
H. R. 30486. Philip Clause.
H. R. 30487. John E. Tygert.
H. R. 30492. John Avey.
H. R. 30493. Abraham Collings.
H. R. 30497. Moses D. Payne.
H. R. 30522. Henry Radney.
H. R. 30526. Josiah E. George.
H. R. 30558. William W. De Moss.
H. R. 30598. Kate N. Mytinger.
H. R. 30657. Charles McGinley.
H. R. 30660. Henry Peterson.
H. R. 30663. David Emmons.
H. R. 30668. John Feit.
H. R. 30722. Creed F. Boyer.
H. R. 30746. William H. Perkins.
H. R. 30752. John H. Dilley.
H. R. 30832. Henri B. Cole.
H. R. 30858. Edward Sayer.
H. R. 30859. Catherine F. Hughes.
H. R. 30873. Sarah M. King.
H. R. 30909. Isaac H. M. Pray.
H. R. 30910. James H. F. Knapp.
H. R. 30957. George Kountz.
H. R. 30962. Henry Earl.
H. R. 30981. Luke Brennan.
H. R. 30982. Charles A. Calhoon.
H. R. 30997. William W. Stone.
H. R. 31002. John C. Burns.
H. R. 31003. James H. Mitchell.
H. R. 31005. John Mitton.
H. R. 31006. Loron W. Hilliker.
H. R. 31021. John Smith, alias John Wood.
H. R. 31025. Foster E. Parsons.
H. R. 31059. Elmira C. Burrows.
H. R. 31060. Asa M. Franklin.
H. R. 31061. Hettie Hanna.
H. R. 31085. James R. Wise.
H. R. 31097. Moses R. Allen.
H. R. 31099. Vickery Wyatt.
H. R. 31116. Thomas M. Stuart.
H. R. 31120. Benjamin P. Goddard.
H. R. 31158. William O'Callaghan.
H. R. 31188. Edward F. Spear.
H. R. 31193. Mary E. Cruthers.
H. R. 31198. William R. Thetford.
H. R. 31200. Charles H. Rogers.
H. R. 31201. Julius R. Elder.
H. R. 31204. Francis Allen.
H. R. 31207. William H. Vass.
H. R. 31208. Helena Dollenmeyer.
H. R. 31209. Mary E. Murry.
H. R. 31210. George E. Orrok.
H. R. 31229. Olive B. Kilburn.
H. R. 31236. Thomas Gaynor.
H. R. 31295. William G. Mellinger.
H. R. 31332. Hale P. Sylvester.
H. R. 31333. Edward Hearin.
H. R. 31337. Joseph G. Taylor.
H. R. 31343. James Harrold.
H. R. 31346. Justin F. Simonds.
H. R. 31357. Simeon B. Brown.
H. R. 31407. Edward White.
H. R. 31421. Highwell D. Helmer.
H. R. 31505. William Campion.
H. R. 31511. Eli F. Hudson.
H. R. 31512. Elnathan Wert.
H. R. 31516. Henry C. Plumer.
H. R. 31517. Frederick Blair.
H. R. 31527. Charles H. Parketon.
H. R. 31554. Beriah M. Duncan.
H. R. 31588. Bruno Bemm.
H. R. 31630. George W. Asher.

The next business on the Private Calendar was the bill (H. R. 32128) 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 bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Washington C. Whitthorne, late of Company A, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ernest G. Lee, late of U. S. S. St. Paul, United States Navy, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Otto Gimm, late of Company D, Twelfth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of William Caldwell, late of Company K, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Barton E. Gardner, late of Troop D, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $40 per month.

The name of Sarah Holley, widow of Washington C. Holley, late of Company A, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Noah M. Markle, late of Company C, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Felix Beske, late of Company E, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph E. Bivans, late of Company A, First Regiment Illinois Volunteer Light Artillery, War with Spain.

The name of Arthur H. Smith, late of Battery C, Pennsylvania Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gaston H. Wilder, late of U. S. S. Puritan, United States Navy, War with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Lewis R. Montague, late of Company D, Twenty-eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Carrie B. Stewart, widow of William W. Stewart, late of Company B, First Regiment United States Volunteer Cavalry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said William W. Stewart until they reach the age of 16 years.

The name of Thomas C. Acton, late of Company K, Ninth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Kate McMullan, widow of Joseph McMullan, late of the United States Marine Corps, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Joseph McMullan until she reaches the age of 16 years.

The name of Montraville M. Bothwell, late of Company H, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Edward Clay Miller, late of Company M, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Louis H. Ruehle, late of Ninety-fourth Company, United States Coast Artillery, and pay him a pension at the rate of $20 per month.

The name of Thomas Costello, late of Company D, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of James H. Tillman, late colonel First Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Thomas F. Joyce, late of Company K, Thirteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Henrietta F. Bartlett, widow of Charles W. Bartlett, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Linda F. Holmquist, widow of John A. Holmquist, late of Company A, Twenty-ninth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John W. Harris, late of Capt. Nat Benton's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Benjamin Shaffer, late of Troop D, Eighth United States Cavalry, and pay him a pension at the rate of $40 per month.

The name of Alice M. McDougall, widow of Thomas M. McDougall, late captain, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Henry Petring, late of Company G, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Avery J. Ownby, late of Company K, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mayotta D. Caffee, widow of Arthur G. Caffee, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Arthur G. Caffee until she reaches the age of 16 years.

The name of John T. Breeson, late of Company A, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William D. Hulse, late of Hospital Corps, United States Army, and pay him a pension at the rate of $12 per month.

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

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1176. Washington C. Whitthorne.
H. R. 5727. Ernest G. Lee.
H. R. 5736. Otto Gimm.
H. R. 9027. William Caldwell.
H. R. 10309. Barton E. Gardner.
H. R. 10859. Sarah Holley.
H. R. 14331. Noah M. Markle.
H. R. 14440. Felix Beske.
H. R. 14756. Joseph E. Bivans.
H. R. 15075. Arthur H. Smith.
H. R. 15348. Gaston H. Wilder.
H. R. 16415. Lewis R. Montague.
H. R. 18059. Carrie B. Stewart.
H. R. 19926. Thomas C. Acton.
H. R. 20020. Kate McMullan.
H. R. 20421. Montraville M. Bothwell.
H. R. 23310. Edward Clay Miller.
H. R. 23619. Louis H. Ruehle.
H. R. 25482. Thomas Costello.
H. R. 25865. James H. Tillman.
H. R. 26781. Thomas F. Joyce.
H. R. 26980. Henrietta F. Bartlett.
H. R. 28393. Linda F. Holmquist.
H. R. 28422. John W. Harris.
H. R. 28546. Benjamin Shaffer.
H. R. 28968. Alice M. McDougall.
H. R. 29078. Henry Petring.
H. R. 29085. Avery J. Ownby.
H. R. 29277. Mayotta D. Caffee.
H. R. 29599. John T. Breeson.
H. R. 31331. William D. Hulse.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills have been passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 29360. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 9566. An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve; to the Committee on the Public Lands.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the District of Columbia.

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

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 31856, the District appropriation bill. When the committee rose yesterday afternoon the paragraph beginning on page 28 had been read, and a point of order had been made by the gentleman from Kentucky [Mr. JOHNSON].

Mr. GARDNER of Michigan. Do I understand that the Chair has ruled?

The CHAIRMAN. The Chair has not ruled.

Mr. GARDNER of Michigan. After the Chair rules I desire to offer an amendment.

The CHAIRMAN. The Chair has been unable to find any authorization for this particular street or part of a street. The very language of the paragraph itself is "for purchase or condemnation," showing that new land is to be acquired, which would make a new location for the street, or at least a part of it. Therefore, having been furnished with no authorities which seem to the Chair to show existing law upon which the appropriation can be made, the Chair sustains the point of order.

Mr. GARDNER of Michigan. I offer the following amendment.

The Clerk read as follows:

Insert after line 12, page 38, the following:

"For paving and improving Belmont Street and Fifteenth Street NW., in accordance with plans approved by the Commissioners of the District of Columbia, $8,000."

Mr. JOHNSON of Kentucky. I reserve the point of order as to that, because it is an amendment belonging to that section which already has been declared not in order.

The CHAIRMAN. The Chair understands this is intended as a new paragraph. Is that the intention of the gentleman from Michigan?

Mr. GARDNER of Michigan. It is to be a new paragraph.

Mr. JOHNSON of Kentucky. I make the point of order that it is not authorized by existing law.

The CHAIRMAN. If it is a new paragraph it does not appear to the Chair that there is anything contradictory to existing law in this amendment, and the Chair can not assume that in the expenditures of this money the commissioners would violate the law or do any unauthorized thing. So far as it appears from the amendment itself, it provides for the continuation of a public work.

Mr. MACON. I would say, Mr. Chairman, if the Chair will hear me, that it has been the ruling of all chairmen who have presided over the consideration of appropriation bills, that whenever the point of order was made by any Member, when he challenged the appropriation, was not authorized by existing law, the burden was upon the proposer of the proposition to show that it was authorized by existing law.

Mr. MANN. There is a general authority for paving.

Mr. MACON. The chairman can show it.

Mr. MANN. He need not.

Mr. OLMSTED. This appears on its face to be for connecting Belmont and Fifteenth Streets, which are apparently in existence, and it seems to be a continuation of that work.

The CHAIRMAN. The amendment is not for connecting these two streets, or for condemning or acquiring in any way any new land, but simply makes provision for paving and improving Belmont and Fifteenth Streets NW., in accordance with plans approved by the Commissioners of the District of Columbia.

Mr. JOHNSON of Kentucky. Those plans include the purchase or condemnation of new land.

The CHAIRMAN. That does not appear on the face of the amendment, and the Chair can not infer or assume that the commissioners will do anything unlawful.

Mr. JOHNSON of Kentucky. But inasmuch as they refer to plans and specifications, then those plans and specifications become a part of this. An inspection of those plans and specifications will show that new land must be acquired.

The CHAIRMAN. So far as appears in the amendment offered, no particular plans are referred to, but simply plans—

Approved by the Commissioners of the District of Columbia.

Mr. JOHNSON of Kentucky. I ask the Chairman to examine those plans and decide whether or not they do require the condemnation of land, because those plans are a part of the transaction.

Mr. OLMSTED. If those plans do require it, this amendment does not. It only covers paving, and not the condemnation of land.

Mr. JOHNSON of Kentucky. It does not say "plans which have been approved by Congress," but according to plans suggested merely by the commissioners.

The CHAIRMAN. The gentleman from Kentucky does not accurately state the amendment. It is for paving and improving Belmont and Fifteenth Streets NW. in accordance with plans approved by the Commissioners of the District of Columbia.

Mr. JOHNSON of Kentucky. Yes; but not approved by Congress, and that is my objection. Congress has not approved these plans.

The CHAIRMAN. As the Chair stated before, the Chair can not assume that the commissioners are going to violate the law or are going to approve any plans not authorized by law.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am making the point against this amendment because it is new legislation, adopting plans which the commissioners have approved, but which Congress has not approved, and I believe that I am clearly right in it.

The CHAIRMAN. The gentleman has opened a new phase of the point of order by referring to the "new legislation."

Mr. JOHNSON of Kentucky. The plans have been approved by the commissioners, but not by Congress, and the plans approved by the commissioners require the condemnation of land. It is clearly new legislation.

The CHAIRMAN. Has the gentleman from Michigan [Mr. GARDNER] anything to enlighten the Chair as to that phase of the point of order as to this being legislation by conferring additional power on the commissioners, authorizing them to approve plans?

Mr. GARDNER of Michigan. If the part of the amendment which relates to plans approved by the commissioners is objectionable, we do not care if it is stricken out.

Mr. COX of Indiana. I should like to ask the gentleman from Michigan what he says as to whether or not there is any statute now that would give to the commissioners the power to buy this land in question. Is there any general organic law of any kind that would give to the commissioners the right or the power to buy this land?

Mr. GARDNER of Michigan. I am not sure of that. I am waiting for the decision of the Chair.

Mr. JOHNSON of Kentucky. If the point of order is overruled, then the commissioners may file a plan before the Appropriations Committee and hold that it is good, without an act of Congress approving it, and we will be bound by this precedent, to some extent at least.

The CHAIRMAN. The Chair is perfectly clear that no point of order will lie against the first part of this amendment, so far as authorizing the paving and repair of Belmont and Fifteenth Streets; but as to the part authorizing the approval of plans by the commissioners, the Chair is in doubt and would be glad to be enlightened.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order. It seems to me that that portion of the amendment providing for the paving and improving the streets is in order, the commissioners now being empowered to improve streets in accordance with existing law. But this says that they must first prepare plans and approve them, which is not now required by the commissioners. They are now required to prepare certain specifications and details and advertise, but here is a proposition requiring that the improvement shall be made in accordance with plans either that have been approved by the commissioners or to be hereafter approved by the commissioners. In either case it clearly seems to me legislation requiring the commissioners to do something which they are not now required to do.

The CHAIRMAN. Unless the gentleman from Michigan can show that the language which would authorize the District Commissioners to approve plans, or give them authority to approve plans, is not legislation, the Chair will sustain the point of order.

Mr. GARDNER of Michigan. Rule.

The CHAIRMAN. The Chair therefore sustains the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

On page 28, after line 12, insert the following:
"For paving and improving Belmont Street at Fifteenth Street NW., $8,000."

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to amend that by providing that no additional land shall either be purchased or condemned.

Mr. MANN. That is subject to a point of order.

Mr. GARDNER of Michigan. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order against the amendment offered by the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Then, I make a point of order against the amendment of the gentleman from Michigan.

The CHAIRMAN. What is the point of order?

Mr. GARDNER of Michigan. The point of order by the gentleman from Kentucky comes too late.

Mr. OLMSTED. The point of order is too late after his amendment has been ruled out.

Mr. JOHNSON of Kentucky. I will withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

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

The Clerk read as follows:

Condemnation of streets, roads, and alleys: For purchase or condemnation of streets, roads, and alleys, $1,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that paragraph. The language is exceedingly broad, and I would like to have some information upon it.

Mr. GARDNER of Michigan. Mr. Chairman, this is a sort of contingent provision that has run through the bill for a series of years and provides against a possible emergency that may arise.

Mr. COX of Indiana. I was under the impression that this was a new item.

Mr. MANN. Oh, no.

Mr. GARDNER of Michigan. It has been carried in the bill for a dozen years.

Mr. COX of Indiana. Has the amount always been used for that purpose?

Mr. GARDNER of Michigan. Not always, but it may be; and if it is not used it reverts to the Treasury.

Mr. MANN. All of the condemnation laws that we pass provide that the Government shall furnish the original money for condemnation costs, and this is reimbursable to the Government. It all comes back into the Treasury.

Mr. OLMSTED. Mr. Chairman, I want to ask the gentleman a question as to phraseology. This says for the "purchase and condemnation of streets, roads, and alleys." Does he mean that, or does he mean the condemnation of land for streets, roads, and alleys?

Mr. MANN. It might mean land or buildings.

Mr. OLMSTED. But does it mean for condemnation of streets?

Mr. MANN. No; of course not.

Mr. OLMSTED. I merely inquired whether it was to close streets or to purchase land. In the paragraph above, line 13, the language was "purchase or condemnation of the necessary land." I merely bring it to the attention of the chairman.

Mr. MANN. I call attention to the fact that the item above was prepared by the distinguished chairman of the subcommittee and the distinguished clerk of the committee, while in this item they copied it from the statute as originally prepared by the District Commissioners years ago.

Mr. COX of Indiana. What does the gentleman from Illinois say as to any statute giving the commissioners authority to condemn land for streets, roads, and alleys?

Mr. MANN. I do not think that they have any such authority. This is not for the purchase of land or to condemn land, although it reads that way. It is to furnish costs where Congress directs the condemnation of land; we have to pay the money for the cost to begin with.

Mr. COX of Indiana. That is, court costs?

Mr. MANN. Yes; and it is reimbursable to the Government.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that under this land could be purchased and condemned to the extent of $1,000 a year.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman from Kentucky would be right if the purchase had been authorized by law, but not otherwise.

Mr. JOHNSON of Kentucky. Mr. Chairman, this authorizes a condemnation, and they can use it to the extent of $1,000; to go right out to this place on Belmont Street and there acquire a strip of land, if it can be purchased, for $1,000.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. GARDNER of Michigan. I wish to say for the benefit of the gentleman from Kentucky that under the rulings of the supreme court of the District proceedings can not be instituted for condemnation unless an appropriation has been made and authorized, under which it may be brought, however small.

Mr. JOHNSON of Kentucky. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. With the language as it stands in the paragraph, the Chair is unable to rule otherwise than to sustain the point of order; because it appears from the language, as clearly as language can express it, that it is for purchase or condemnation of streets, roads, or alleys. Now, the Chair has been referred to no law which would authorize this expenditure.

Mr. GARDNER of Michigan. Mr. Chairman, I only wish to say that this has run the gantlet of the courts and has been ruled upon for 20 years, and since I have been a member of the committee a point of order has never been raised against the provision until now.

The CHAIRMAN. The purpose for which the appropriation is sought to be made may be a very proper one, but it appears from the language of the paragraph itself that it is for the purchase or condemnation of streets, and the Chair has seen no law that would authorize this expenditure.

Mr. GARDNER of Michigan. Has the Chair ruled?

The CHAIRMAN. The Chair is waiting for the gentleman to produce some law or authorization.

Mr. GARDNER of Michigan. If the Chair rules it out, I will offer an amendment.

The CHAIRMAN. Can the gentleman from Michigan produce for the benefit of the Chair any authorization for this appropriation?

Mr. MANN. Mr. Chairman, I would like to ask if the Chairman holds that this means that this provides directly for the money to be expended for the purchase or condemnation of land.

The CHAIRMAN. It seems to the Chair that it might do so.

Mr. JOHNSON of Kentucky. I insist it not only might do so, but it absolutely does.

Mr. MANN. Of course, that is not what it says, and if that is the construction of the Chairman that ends the point of order.

Mr. GARDNER of Michigan. I would suggest this amendment, to remove all doubts or ambiguity from the minds of everyone. We might have to repeat it over and over again further along, but I suggest this: "For purchase or condemnation of streets, roads, or alleys, when authorized by law, $1,000."

The CHAIRMAN. The Chair sustains the point of order on the paragraph as it stands. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 28, after line 22, insert the following:

"Condemnation of streets, roads, and alleys: For purchase or condemnation of streets, roads, and alleys, when authorized by law, $1,000."

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

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

The Clerk read as follows:

Northwest. Mount Pleasant Street, Sixteenth Street to Park Road, grade and improve, $12,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to ask the chairman of the subcommittee if that appropriation of $12,000 for Mount Pleasant Street has been authorized by law.

Mr. GARDNER of Michigan. Mr. Chairman, the street is already in existence, and this is simply an appropriation to improve the street.

Mr. JOHNSON of Kentucky. That is my question, whether the street has already been opened there. Is the gentleman sure of that?

Mr. GARDNER of Michigan. Oh, yes.

Mr. TAYLOR of Ohio. It is not opened, but street cars run down it.

The Clerk read as follows:

In all, $77,850.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word, just to ask the gentleman from Michigan a question. Do any of these streets or roads extend outside of the District of Columbia?

Mr. GARDNER of Michigan. Nothing outside of the District of Columbia.

Mr. OLMSTED. In what county are they? The appropriation is for construction of "county roads."

Mr. MANN. The county of Washington.

Mr. TAYLOR of Ohio. I think I can explain the matter. Roads which are located outside of the old boundary of Washington, which used to be the city limits, are called, simply for convenience of the commissioners, county roads.

Mr. OLMSTED. Then, they are not county roads at all?

Mr. TAYLOR of Ohio. Many of the county roads, all of these roads around Mount Pleasant and the Highlands and places in there, are county roads, so called, and so appropriated for and so named.

Mr. OLMSTED. This does not create any new geographical or municipal division?

Mr. TAYLOR of Ohio. No.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman of the subcommittee whether this appropriation which is stated "to grade and improve" includes paving or simply grading.

Mr. GARDNER of Michigan. Grading and improving is construed by the commissioners as meaning to macadamize.

Mr. BORLAND. Means to macadamize. It does not mean the better class of asphalt?

Mr. GARDNER of Michigan. No.

Mr. BORLAND. What distinction is there between what is called county roads and city streets?

Mr. GARDNER of Michigan. There is no distinction, in fact. Some of the most important streets in the city are termed county roads. For instance, as has been stated by my friend from Ohio, all beyond Florida Avenue—and the gentleman knows how important the streets are—are termed county roads, and that originated in the old county, when you had the county government and the municipality of Georgetown and the municipality of Washington.

Mr. BORLAND. So it has a historic significance, then, coming down from the old division.

Mr. GARDNER of Michigan. That is all.

Mr. BORLAND. Now, is there any difference between the method of improving these county roads and the method of improving what are called city streets?

Mr. GARDNER of Michigan. Not under like conditions. Under like conditions the county roads would be subject to exactly the same treatment as in the city.

Mr. BORLAND. Are there any of these so-called county roads paved with asphalt?

Mr. GARDNER of Michigan. Oh, yes; a number of them.

Mr. BORLAND. So that the mere fact they are called county roads does not confine them to macadamized paving. Now, what reason has there been for the continuance of this distinction——

Mr. MANN. It is like a title paper that reads to a certain tree and then on, the tree having disappeared 100 years ago.

Mr. BORLAND. It is not like that, if the gentleman will permit me. There is one district entirely. There is no political division in county or city.

Mr. MANN. It is both city and county, I will say to the gentleman.

Mr. BORLAND. I will say to the gentleman it is not so; it is a district.

Mr. MANN. The District of Columbia and county of Washington, I will say to the gentleman for the gentleman's information. It is the county of Washington.

Mr. BORLAND. I am seeking information, and I would like to know if there is any political division in the District.

Mr. MANN. There is the county of Washington.

Mr. BORLAND. Now in existence?

Mr. MANN. It takes in the entire District.

Mr. BORLAND. And the city of Washington?

Mr. MANN. There is the city of Washington, but it is not known as the city in the statutes.

Mr. BORLAND. Does the gentleman say there are two divisions existing—one the city and the other the county?

Mr. MANN. Oh, no.

Mr. BORLAND. Then we are not getting any further along in this discussion. As a matter of fact, then, there is not a political division in the District.

Mr. MANN. There is no distinction whatever.

Mr. BORLAND. Why is it necessary for you to keep up this designation of "county road" when there is no difference in the method of improvement?

Mr. GARDNER of Michigan. It carries, as the gentleman from Illinois [Mr. MANN] has already indicated, certain terms that are well understood, not only by the commissioners but by the committee and, I thought, by the Congress. Of course it could be changed.

Mr. BORLAND. It seems to me, if the chairman will accept that suggestion, that it is a misleading term, and that the term "county road" indicates to the mind of anybody, particularly a Member of this House, something of just a general improved country highway that is contemplated, when, as a matter of fact, under that term they can go ahead and build a city street for residences, with asphalt pavement and everything on it, and simply call it a "county road." It is a very misleading proposition.

Mr. TAYLOR of Ohio. I think I can explain to some extent why we call it "county road." We have divided this District up into sections, or the commissioners have, as a mere matter of convenience. There is the northeast section, the southeast section, the southwest section, the northwest section, and the Georgetown section, and all that are not included in those five sections are called "county roads," and are the roads which lie largely beyond Florida Avenue and which lead into county roads of other States.

Mr. BORLAND. The gentleman says it is a matter of convenience in making up this particular bill, or a matter of convenience to the commissioners, but it does not throw any light on it to Members of this House.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired. The Clerk will read.

The Clerk read as follows:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and maintenance of motor vehicle for use of engineer commissioner and his assistant, of which sum $100,000 shall be immediately available, $425,000; and this appropriation shall be available for repairing the pavements of the street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that paragraph for the purpose of getting information. The first part of the paragraph provides:

For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavement.

The last appropriation bill did not use the word "asphalt" at all, but used the word "concrete." Now, I would like to know what significance, if any, there is in dropping the word "concrete" as used in connection with the word "asphalt," in this paragraph, particularly when taken in connection with the paragraph on page 31, proposing to buy a municipal asphalt plant.

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman, I would say that "asphalt" is a general term that covers all kinds of pavement in which asphalt is the base.

Mr. COX of Indiana. Does it cover concrete?

Mr. GARDNER of Michigan. It may; yes, sir.

Mr. COX of Indiana. Well, under this appropriation now, leaving out the word "concrete," what does the gentleman say as to whether or not any part of the money could be expended for concrete pavement?

Mr. GARDNER of Michigan. It could.

Mr. BOWERS. Will the gentleman permit me to suggest to him that another reason was that we have an abundance of asphalt pavement in the city but not an inch of concrete pavement in the city?

Mr. COX of Indiana. That is information I am trying to seek here. So, as I understand, there is not any significance whatever in leaving out the word "concrete?"

Mr. BOWERS. The reason was to make the appropriation conform to the facts and to the character of the pavement we have.

Mr. COX of Indiana. Why did you put in "concrete" last year?

Mr. BOWERS. The term has been running on there for years, and the incongruity was discovered in making this bill; so the change was made.

Mr. COX of Indiana. The gentleman says the city is not building any concrete pavement. Is that true?

Mr. BOWERS. That is my information.

Mr. COX of Indiana. I want to understand it.

Mr. CARLIN. Does the gentleman from Mississippi [Mr. BOWERS] know the difference between concrete and asphalt pavement.

Mr. BOWERS. I am not an engineer. You must not put questions of that sort to me. I can only give you the information the committee gets from the hearings, which is that we have asphalt pavement and we have no concrete pavement. As to engineering propositions, I refer my friend either to the engineer commissioner or some other authority.

Mr. CARLIN. Then, to boil it down, you do not know the difference between asphalt and concrete pavement?

Mr. BOWERS. I do not. Do you? Will the gentleman answer my question?

Mr. CARLIN. I do not.

Mr. BOWERS. I am glad the gentleman is on a par with me.

Mr. STAFFORD. I would like to ask the gentleman from Mississippi [Mr. BOWERS] if there is any plant of the District now in existence which will permit of the repair of asphalt pavement?

Mr. BOWERS. Any plant belonging to the District?

Mr. STAFFORD. Yes.

Mr. BOWERS. None.

Mr. STAFFORD. Does this contemplate the providing for such a plant?

Mr. BOWERS. The bill further on provides for a municipal asphalt plant, but the repairs to the streets have heretofore been made by contract. The repairs have been let out by contract, just as the original paving was.

Mr. COX of Indiana. Then this provision is merely to provide for the repair of the asphalt. Is that correct?

Mr. BOWERS. It is made available either for paving or for repairs.

Mr. COX of Indiana. Why make this $100,000 immediately available?

Mr. BOWERS. By reason of the fact that otherwise the money will not be available until the 1st of July, and we want to get the work done before the hot weather.

Mr. COX of Indiana. The city is now in debt.

Mr. BOWERS. No; it is not. This is to enable us to make the money available before the 1st of July. Let me read to the gentleman from the hearings:

Mr. TAYLOR. There is some new legislation on page 64.

Maj. JUDSON. That new legislation simply puts that appropriation in the same condition as the other appropriation for work on streets and avenues within the city.

Mr. BURLESON. Why is not that a deficiency appropriation? He wants it to be immediately available.

Mr. COURTS. It is not in the nature of a deficiency, but it is for the purpose of giving them the benefit of the working season.

Maj. JUDSON. Yes; that is it. There is a considerable increase over last year, but not an increase over years previous to that. Last year we cut it down very much in our estimates.

The gentleman will understand that pavements laid in asphalt are better laid in cold weather than in hot, and the object of this provision is to get the pavements laid before the hot weather in July and August.

Mr. MANN. Now, on this controversy as to whether the pavements are asphalt or concrete, I would like to say that all asphalt pavements have concrete at the bottom, and nearly all concrete pavements have an asphalt covering. So far as practical purposes are concerned, the term "concrete" or "asphalt" is equally applicable to all pavements in Washington.

Mr. MADDEN. I move to strike out the last word.

The CHAIRMAN. A point of order is pending.

Mr. MADDEN. I just wish to say, for the information of the gentleman from Indiana, that all street pavements are laid on a concrete foundation, and the concrete foundation is used as a street for a year or two before they lay the asphalt upon it, and the streets provided to be paved with concrete as indicated in this bill are the ones which are being prepared for future asphalt surfacing. That is all there is to it.

Mr. COX of Indiana. I reserved the point of order solely for the purpose of getting information. I think it is clearly subject to the point of order, but I withdraw it.

The Clerk read as follows:

Municipal asphalt plant: The Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW. as may, in their judgment, be necessary for the site of a municipal asphalt plant and the storage yards and other necessary accessories therefor, and all leases heretofore made by the Commissioners of the District of Columbia, covering all or any part of the aforementioned site, are hereby terminated and canceled from and after such date as the said commissioners may determine by due notice in writing served on the respective lessees. And they are further authorized to establish, construct, or purchase, maintain, and operate, on the site above described, a municipal asphalt plant with the necessary accessory structures, machinery, materials, personal services, horses, harness, and wagons, or other means of transportation; all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District, and the cost of the same and of any necessary incidental or contingent expenses in connection with any of the acts hereinbefore authorized shall be paid for and equitably charged, as said commissioners may determine, to the appropriations for repairs to streets, avenues, and alleys and for paving, made under this act: *Provided*, That the personal services herein authorized shall not be included within the limitation of section 2 of this act: *Provided further*, That the total expenditure for the construction of the plant shall not exceed $75,000.

Mr. MANN. I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I wish to offer an amendment to the section.

The CHAIRMAN. An amendment is not in order when a point of order is pending.

Mr. MADDEN. I ask to have it read for the information of the committee.

The Clerk read as follows:

Provided further, That said plant shall not be constructed or operated if the Commissioners of the District of Columbia can contract for such asphalt pavement as may be needed at a price not to exceed $1.65 per square yard for resurfacing or new work, and at a price not exceeding 23 cents per cubic foot, or 42 cents per cubic foot, respectively, for binder course and top course in repair work.

Mr. GARDNER of Michigan. Mr. Chairman, this is a matter of so much importance that I will ask the indulgence of the committee to make a few remarks relative to the subject. In the first place, we concede that the point of order would lie against this paragraph; and at the same time I feel it is due the House to know why the committee has put it here. Up to a year ago there were two or more competing asphalt plants in this city. Under that condition the city had a very favorable contract. Now, after the combination of these two plants, the price was advanced 32 cents per square yard in a single year. The commissioners are up against this to-day as it stands. At this time there is absolutely no competition. The commissioners

must accept their prices or not have any unless the substitute offered by the gentleman from Illinois shall prevail.

It is believed that a plant can be constructed here and operated under the authority of the commissioners that will at least keep the price where it is now, or even have it below. That is the principal reason, on the one hand; and, on the other, I will say that down at Occoquan we have several hundred prisoners who heretofore have been confined in cells at what is known as the Washington Asylum, in the southeast part of the city, with nothing at all to do, except a few of them who at times worked a few hours a day on the roads. They are down there at an establishment planned under the authority of Congress. On the ground obtained is an inexhaustible quantity of stone that can be used as the basis of streets. If this plant is established and operated by the commissioners, I presume that these prisoners will be able to prepare this part at least of street construction.

Again, it is proposed there to utilize these prisoners in working a brick plant, so that they can make their own material for the alleys and gutters provided for in this bill and so reduce the cost of construction to the city.

Remember, gentlemen, that this bill carries more than a half million dollars for repairs of streets and new streets, for which there will be a bid without any competition if this provision is stricken out. Personally, I like the substitute offered by the gentleman from Illinois, if that will come within the sum which the commissioners believe to be reasonable and a moderate profit for the work done.

I would like to have read a letter received from the department of public works in the city of Detroit touching this matter. They have had an asphalt plant in operation in that city for a number of years.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF PUBLIC WORKS,
Detroit, Mich., December 21, 1910.

Hon. WASHINGTON GARDNER,
Washington, D. C.

DEAR SIR: Your letter to Commissioner Haarer was referred to me, and I am sending you, under separate cover, a copy of report of the operation of Detroit municipal asphalt plant from 1904 to 1908, inclusive. This is the only report I have at the present time, as the one for 1909 was not put up in pamphlet form, but I can state for your information that the prices per square yard compare very favorably with the report for the previous five years, and shows a net saving to the city of Detroit for the season (1909) of $50,000 on an output of 253,000 square yards, making a total saving for six years of $133,000.

On or about February 1 I shall have a complete printed report for the operations of the asphalt plant since the date of its installation to the present time, which, of course, covers a period of seven years, and if you desire a copy, will be pleased to furnish you with one.

Yours, truly,

CLARENCE A. PROCTOR, *Asphalt Expert.*

Mr. GARDNER of Michigan. There is the situation, gentlemen. The city of Detroit has saved in a single year $50,000 on this asphalt plant. They make it there for about $1.55 a square yard. We are paying now $1.77 a square yard and are facing an expenditure of over half a million dollars without competition.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Yes.

Mr. COX of Ohio. Is the gentleman aware of the fact that members of the District Committee urged Maj. Judson a year ago to take up the question of a municipal plant? It occurs to me that it would have been infinitely more proper if this matter had been presented to the District Committee.

Mr. GARDNER of Michigan. Mr. Chairman, I am not aware that it was presented to the District Committee, as I am not a member of that committee.

We concede that the point of order is technically correct; but we believe the proposition is for the interest of the city, while we concede in a way the irregularity of it from a parliamentary standpoint.

Mr. BOWERS. There is no question that this provision is subject to a point of order. There is equally little question, in my judgment, that it is desirable legislation, a proper provision to be enacted into law, and will be of untold advantage to the District of Columbia. Let me repeat the statement made by the gentleman from Michigan with reference to the situation of the District. Prior to the recent consolidation of the two paving firms here the price for asphalt paving was $1.45 per square yard. Since that consolidation, since the removal of all competition in bidding, the price has gone up from $1.45 to $1.77.

We are satisfied that the work can be done much more economically—

Says the engineer commissioner—

with a municipal plant, as is done in Kansas City, St. Louis, Detroit, Indianapolis, and many other of our municipalities.

Whereupon the gentleman from Ohio [Mr. TAYLOR] volunteered the information that they had also established a municipal plant in the city of Columbus.

Now, my judgment is, that if this plant after its completion did not lay one single square yard of paving it would pay for itself in the protection that it would afford the District of Columbia. We could afford, in my judgment, to build it and practically close it up, for the effect it would have on the bids that would be received.

Mr. COX of Ohio. The statement of the commissioner that there were two plants here, but that one has been removed, is not sound, for this reason——

Mr. BOWERS. There is no statement that it has been removed. The statement is that the two have been consolidated.

Mr. COX of Ohio. If an asphalt concern takes a job in Birmingham, it will take a movable plant there. If the commissioners keep what are called open specifications—and I do not know that they have what are called closed specifications—they will have no difficulty in having ample competition. I think this is good legislation, and I agree with the gentleman. We put such a plant into our own city and saved money by it; but when this matter was presented it should have gone to the District Committee. That is my objection.

Mr. BOWERS. In reference to that I have only to say that it would have been very easy for the District Committee, if it had desired to do so, to take up the matter.

The question as it comes before Congress is, of course, subject to a point of order, but I can not for the life of me see how the way in which it is presented affects the propriety of the enactment of the legislation.

There is another observation I want to make here: I do not know anything about bidding by parties outside of this city, but I should think that with the large amount of work they have to do here, a portable plant would hardly be sufficient; but, be that as it may, the people who have bid have been these two contractors located here, and since that consolidation, for some reason or other, the price has advanced from $1.45 to $1.77, an increase of 32 cents a yard; and the fact that it remained stationary at $1.45 for some time before the consolidation and that it advanced immediately afterwards is to my mind the highest evidence that the increase came by reason of that consolidation.

Now, there is another point I want to call the attention of the committee to, and that is that a municipal asphalt plant works a great economy in the matter of repairs. There is constant friction and disagreement between the city and the contractor as to the yardage in repairs—that is, as to the measurement. There is a contention sometimes that more pavement than is necessary is torn up for repair, and that the amount of repairs was greater than was needed; and there are disputes as to measurements and calculations which have always existed, and usually we get the worst of it in the matter of measurement, all of which would be cured, all of which would be done away with by a municipal asphalt plant.

Mr. COX of Ohio. I would like to ask the gentleman when was the destruction of the element of competition first observed here.

Mr. BOWERS. The hearings do not give us the exact date.

Mr. COX of Ohio. Does not the gentleman think it would have been proper for the commissioners to call the attention of the District Committee to the fact as soon as they knew of it?

Mr. BOWERS. I have no opinion to express on that matter one way or the other. The proposition I am discussing is the appropriateness and necessity of the legislation. I do not propose to express an opinion as to what A or B or C should have done under a certain state of facts. It is not necessary to the argument or the presentation of the merits of the case.

Mr. SULZER. Will the gentleman yield?

Mr. BOWERS. Certainly.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SULZER. I ask that the gentleman's time be extended five minutes.

Mr. CARLIN. Mr. Chairman, I would like to hear my friend from Mississippi proceed for five hours, because he always talks interestingly, but this point of order is going to be insisted upon, and this debate and discussion can serve no purpose except to waste our time. If the gentleman will take less than five minutes——

Mr. BOWERS. I have no desire for any more time; I have not asked for it.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. COX of Ohio. If the gentleman will pardon me, this is the situation: There is a tendency on the part of the commissioners to derive in some way or somehow powers which belong in Congress, especially to the District Committee. The plan has been suggested to give them plenary powers in many things, and take the matters entirely out of the hands of the District Committee. There is, too, a general noticeable tendency on the part of the commissioners to recognize the Appropriation Committee instead of the regular District of Columbia Committee. That is my main objection to this proposition.

Mr. MANN. Does not the gentleman from Ohio think that there is good reason for it?

Mr. COX of Ohio. For taking it out of the hands of the committee?

Mr. MANN. For the preference of the Appropriation Committee.

Mr. CARLIN. I would like to know the reason why.

Mr. MANN. If the gentleman from Virginia does not know, as long as he has been here, he can not be enlightened.

Mr. BOWERS. Mr. Chairman, I have only this to say, that there is no disposition on the part of the Committee on Appropriations to usurp the powers or rights of the District Committee. Now I will yield to the gentleman from New York.

Mr. SULZER. Mr. Chairman, I want to ask the gentleman if he has any information as to what it costs other cities per square yard for asphalt pavements.

Mr. BOWERS. Yes; but I can not remember the exact figures. The city of Washington had been getting the pavement prior to the increase at a low figure, but there are many cities where they get asphalt pavement at less than $1.77 a square yard, the present price in the District, and those cities that operate a municipal plant do it at a considerable reduction from that sum.

Mr. SULZER. Does the gentleman think that these charges are fair, or does he think they are exorbitant?

Mr. BOWERS. At the hearings we had before the committee we were inclined to think that they were too high.

Mr. MANN. I want to ask the gentleman if the bitulithic pavement is involved in this at all.

Mr. BOWERS. I think not.

Mr. COX of Indiana. I want to ask the gentleman if this item be permitted to remain in the bill, I take it in good faith on the part of the commissioners they will go ahead and operate the plant.

Mr. BOWERS. Unquestionably.

Mr. MADDEN. Mr. Chairman, in this bill we are endeavoring to make appropriations for the conduct of the city government, and it is fair to assume that in making provisions for the maintenance of the government we will do everything within our power to economize in the expenditure of the money that has been appropriated. The introduction of this paragraph in the bill is intended to enable the commissioners to economize in the pavement of the streets. A year ago the commissioners say the contract price for asphalt pavement was $1.45 a square yard. Recent bids have developed the fact that there is a combination between the asphalt-paving contractors, as the result of which the price has gone up to $1.77 a yard. The commissioners believe, and those who are practical in the work believe, that the introduction of this asphalt plant would enable the commissioners to pave the streets of Washington with asphalt at a very much lower price than it is being done under the present bids.

The construction of this plant would be notice to contractors that no combination will be allowed. A reasonable price for asphalt pavement and one which would yield a reasonable profit under the conditions that prevail here would be about $1.65 a square yard, and if the commissioners can secure bids under which the pavement can be laid at not to exceed that price I am sure they would have no disposition to construct this plant; and that was the purpose for which I introduced the amendment to prevent the construction of the plant in case bids can be received for the pavement of the streets at a price not exceeding $1.65 for new work, 23 cents a cubic foot for binder, and 42 cents a foot for top dressing for repair work. These prices are low. They yield a profit. The profit is not exorbitant. This paragraph in the bill is in the interest of the economical management of the city's affairs.

Mr. CARLIN. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. CARLIN. How much profit do they yield at the prices named?

Mr. MADDEN. It would not be more than a fair profit on a man's investment, whatever that is—5, 6, or 7 per cent.

Mr. CARLIN. The gentleman has fixed an arbitrary price. What is the profit under that amendment?

Mr. MADDEN. I have fixed a price beyond which they can not go. There ought to be some power vested in the authorities of the District which will enable them to say whether they will let a contract or will not let a contract, depending upon whether the price is reasonable or exorbitant.

Mr. TAWNEY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TAWNEY. I desire to state, in answer to the gentleman from Virginia [Mr. CARLIN], that if they could lay asphalt at a profit when they received $1.45 per square yard, they certainly would receive a profit if they take a contract at $1.65.

Mr. CARLIN. Mr. Chairman, I desire to say that that is perfectly apparent; but what is a reasonable profit?

Mr. TAWNEY. I should say that 20 cents a square yard would be a very reasonable profit.

Mr. CARLIN. I think that is extravagant. That is the difference between the gentleman and myself.

Mr. TAWNEY. Assuming they were making anything at all when they were laying the pavement.

Mr. MADDEN. Mr. Chairman, I am not prepared to admit that there is any profit in asphalt pavement at $1.45 a yard. The fact of the matter is that any person familiar with this character of work would say that pavements laid at that price would be laid at a loss. I think the commissioners of the District would agree that when they were securing a price for asphalt pavement of $1.45 per square yard they were getting more than their money's worth, but when they get the price of $1.65 a yard they will also agree they are getting a reasonable price, if the work is well done. They have no disposition, as far as I can understand, to build a municipal asphalt plant, if they can be assured that the power to build it will prevent combinations. This is legislation in the interest of the people. There is no outsider who is interested in this proposition. It does not favor any contractor.

The only people favored by this paragraph of the bill are the taxpayers. The question is, Shall we legislate for the taxpayers or shall we legislate for the people who are taking contracts? The further question is, Shall we give the power to the men charged with the responsibility of conducting the affairs of this municipality to do the best that can be done for the people who pay the money or shall we tie the hands of the commissioners so that the legislation will be in the interest of the men who are seeking to devour what the taxpayers pay into the Public Treasury? Shall we stand here as Members of Congress and vote to tie the hands of the commissioners or shall we find fault with the commissioners for failure to do their duty after we have refused to give them authority? This legislation is strictly in the interest of municipal economy, and ought to be enacted beyond any question, no matter from what committee it comes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHAEL E. DRISCOLL. Before the gentleman from Minnesota proceeds I would like for the gentleman from Illinois to have two minutes——

The CHAIRMAN. The gentleman from Minnesota has been recognized.

Mr. TAWNEY. Mr. Chairman, I trust that the gentleman from Virginia [Mr. CARLIN] will not insist upon his point of order against this paragraph.

Mr. CARLIN. I desire to correct the gentleman. The point was made by the gentleman from Illinois, not by myself. The point of order was reserved by him.

Mr. TAWNEY. Mr. Chairman, I trust no Member of the House will make a point of order against this paragraph. We appropriate almost $600,000 in this bill for repair of asphalt pavements and for new construction. There is almost $600,000 to be expended in this city for that purpose. There is no competition. The city has no opportunity to secure that work at a reasonable cost unless it can by this provision construct a plant of its own, when it can then either make the pavements and repair the pavements itself or accept proposals that are reasonable and just. These two asphalt companies before the combination were competing, and as a result of that competition the city was having its asphalt laid at $1.45 a square yard.

The moment these two asphalt companies combined, thereby wiping out competition, the cost to the city of laying its asphalt jumped from $1.45 a square yard to $1.77 a square yard. Now, that being the situation, we propoze to meet it by putting it in the power of the commissioners of the District to either accept reasonable proposals for the laying of concrete or to lay the concrete under the supervision of the commissioners themselves.

It is a measure that is absolutely in the interest of economy, as the gentleman from Illinois [Mr. MADDEN] has well said. This is the only way whereby we can protect the just expenditure of this vast sum of almost $600,000 for the paving of streets, and I trust that no Member of the House will make the point of order.

Mr. ROTHERMEL. Does not this inaugurate a new policy of Government ownership?

Mr. TAWNEY. No; it does not inaugurate a new policy of Government ownership. I may say when this matter was considered by the subcommittee that prepared the bill it was testified to that it has become the policy of municipalities throughout the United States; that the municipalities had been driven to adopt this policy as a matter of self-protection against the increased cost of the laying of asphalt pavements.

The CHAIRMAN (Mr. STAFFORD). Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. Mr. Chairman, I reserved the point of order to this paragraph in order that we might have an explanation of it. So far as my information goes I am in thorough sympathy with the desire to provide this asphalt plant, and therefore I withdraw the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. On what grounds?

Mr. JOHNSON of Kentucky. That it is entirely new legislation.

Mr. GARDNER of Michigan. I would like to know—we are all after information—why, if the principle itself be right——

The CHAIRMAN. Does the gentleman from Kentucky reserve the point of order?

Mr. JOHNSON of Kentucky. No; I make the point of order, but I will reserve it that the gentleman from Michigan may be heard.

The CHAIRMAN. The gentleman from Kentucky reserves the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, this is a matter of so much importance to the District in the matter of economy and the reasons have been so clearly and strongly stated why the committee's action should be indorsed by the House, while we have had nothing on the other side except the point of order, I would like to know what defense the gentleman from Kentucky can make for his point of order on its merits—I mean the thing itself.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order, as I said, because it is new legislation. My reasons have been partly set out by the gentleman from Ohio [Mr. Cox]. In addition to that, this provides for the immediate cancellation of contracts or leases with people. We do not know anything about it at all, and no Member of this body, I apprehend, has ever visited that place to see whether or not that is the best place for it. Without knowing what an injustice it may do to somebody else, it ought to be canceled, and that is an additional reason.

The CHAIRMAN. The paragraph provides for an additional asphalt plant not provided in existing law. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Repairs county roads: For current work of repairs of county roads and suburban streets, including the maintenance of one motor vehicle for the use of the superintendent of county roads and one motor truck for the use of the field party engaged in the survey work pertaining to the construction and repair of county roads, $130,000, of which sum $20,000 shall be immediately available.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on the paragraph for the purpose of obtaining some information. I would like to know why the limitation is left out of this bill. The last District bill included an item of not exceeding $950 for one motor vehicle for the use of superintendent of county roads, and one motor truck for the use of the field party. Now, the language of the present bill under consideration is sweeping and broad. It says:

including the maintenance of one motor vehicle for the use of superintendent of county roads, and one motor truck for the use of the field party engaged in the survey work pertaining to the construction and repair of county roads.

There is no limitation at all in the pending bill as to the amount that can be expended for the maintenance of automobiles, motor trucks, and so forth. Why was that omitted?

Mr. GARDNER of Michigan. Mr. Chairman, in answer to the gentleman from Indiana, I will say that by authority of Congress a motor vehicle and a motor truck were purchased for the use of the engineer department of the District, and, in my judgment, was an excellent investment in the way of economy. Having purchased these, one of two things must be done, as was said on the same line yesterday. They must either be kept in condition and maintained or set aside. Now, whatever it costs, and I assume the cost will be no more than is required under a reasonable and necessary use of the vehicles, it has to be paid. We can not specify exactly what it may cost.

Mr. COX of Indiana. At this time I am not questioning the wisdom or lack of wisdom when Congress authorized the purchase of these automobiles. I do not believe the gentleman gets the force of my inquiry, which is this: In the last District bill you limited the amount of money that could be expended for automobiles and trucks to $900. Now, this bill under consideration carries an item providing for the maintenance of the automobile and truck, but does not put a limitation upon it. My question is this: Why limit the amount in last year's bill and not in this year's bill?

Mr. GARDNER of Michigan. I think I get the gentleman's thought better. The other bill provided for its purchase and for its maintenance for that year.

Mr. COX of Indiana. I beg the gentleman's pardon. Last year's bill simply provided $900 for the maintenance of this automobile and truck only. I do not know when the automobile and truck were bought. Now, then, here is a broad, sweeping paragraph under which any amount, I take it, for the maintenance of these automobiles, or trucks——

Mr. TAYLOR of Ohio. Suppose we did put a limitation on, and it proved that it cost more than that to make that truck and motor vehicle useful, what would the commissioners do? Would they put them in the junk heap?

Mr. COX of Indiana. Will the gentleman yield to me for a question?

Mr. TAYLOR of Ohio. Certainly.

Mr. COX of Indiana. What information have you as to whether or not the amount appropriated last year reached?

Mr. TAYLOR of Ohio. We had the information. The commissioners said they needed so much money to run the department motor vehicles and keep up the vehicles. That must buy whatever must be necessary to keep those vehicles in good working order, or they would not do their duty. When they showed they used so much money we thought they were good executives enough not to pay more than was needed and to expend enough to keep the vehicles up to the standard required.

Mr. COX of Indiana. Did they expend the whole amount of $900 for the upkeep of these vehicles last year?

Mr. MANN. I think I can tell the gentleman from Indiana [Mr. Cox] why the item was left out of the bill.

Mr. COX of Indiana. Information is all I want.

Mr. MANN. It is a matter of bookkeeping. In the item read it required that the labor and material for those vehicles be kept separately on the books of the Government, whereas the repairs, and possibly the supplies, for ordinary running and maintenance of these vehicles, are bought in connection with the materials for this department and do not require separate bookkeeping.

Mr. COX of Indiana. The gentleman puts it, from his viewpoint, solely upon the bookkeeping?

Mr. MANN. I think that is the only reason in the world. As to the amount, of course it would have been just as easy to increase the amount if they wanted more money.

Mr. COX of Indiana. I would like to get this information if anybody in charge of this bill can give it, as to how much of this $900 was used.

Mr. MANN. That has not been reached.

Mr. COX of Indiana. How much has been expended?

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman, the 30th of June will show that the money appropriated for the maintenance of this vehicle will either have been exhausted or will not have been, but until the 30th of June we can not know just what this vehicle costs.

Mr. COX of Indiana. Does not the gentleman believe it would be wise to put a limitation in the present bill? If he will put in the limitation they had a year ago, I have no objection to it.

Mr. MANN. It makes very expensive bookkeeping in matters of this kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I ask that I may have five minutes more.

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

Mr. GARDNER of Michigan. The gentleman from Indiana will see at once that he is in error when he demands to know what the cost is, when there is no way of ascertaining that at the present time.

Mr. COX of Indiana. I take it that when the hearings were going on gentlemen certainly made some inquiries as to how much of that item was already expended.

Mr. GARDNER of Michigan. You must understand this——

Mr. COX of Indiana. I know that a vast majority of the items in the consideration of the Post Office bill were specifically inquired into.

Mr. GARDNER of Michigan (continuing). "For purchase and maintenance"—this was the last year—"of one motor vehicle for the use of the superintendent of county roads;" that is the one question; "and one motor truck for the use of the field party engaged in survey work pertaining to the construction and repair of county roads," and so on. There was the purchase. That was the initial step. Now, I repeat, it is utterly impossible to ascertain what is the cost of maintaining the motor until the 30th of June.

Mr. COX of Indiana. Does not the gentleman think that these motors can be kept up for $450 apiece?

Mr. GARDNER of Michigan. I can not tell. There will be no charge other than what it actually costs.

Mr. COX of Indiana. Well, if the gentleman is not willing to amend his bill and put in the same limitation which we had last year, I shall insist upon the point of order.

Mr. GARDNER of Michigan. I misunderstood the gentleman. I am perfectly willing to explain the matter. I wish to say that the committee has no power to ascertain what will be the cost of maintenance of the motor cars now in use until next June.

Mr. COX of Indiana. Well, I agree to that; but it does look to me that $450 is abundance of money for the maintenance of these machines, and I would be perfectly willing to put that in as a limitation.

Mr. TAYLOR of Ohio. Has the gentleman any figures or data which would justify that belief?

Mr. COX of Indiana. I have never allowed myself to ride in one.

Mr. TAYLOR of Ohio. Not only do I understand the gentleman does not approve of automobiles, but will not allow himself to ride in one. I will ask, then, is the gentleman not rather a nonexpert witness in this matter?

Mr. COX of Indiana. An automobile that costs $1,500, it seems to me, ought to be maintained for $500 a year.

Mr. TAYLOR of Ohio. Just one question. The gentleman wanted light. Now, say that $40 was allowed and that it did not cost $40; they could have it; but if it cost more than $40, the commissioners would have to expend the money to keep the work going on. That is why we do not believe in putting in a limitation as to the money that is to be expended.

Mr. GARDNER of Michigan. No man living can tell what an automobile will cost for even a year. If the gentleman will buy one, he will probably get along the first year tolerably well, the next year not quite so well, and the next year go into bankruptcy. [Laughter.]

Mr. COX of Indiana. The hypothetical case the gentleman states is not on all fours with this.

Mr. GARDNER of Michigan. The expense for tires in the first year would be comparatively small, but after a year they begin to wear out, and they do not always wait a year to show their weakness.

Mr. COX of Indiana. Sometimes they do not last the first day.

Mr. GARDNER of Michigan. And $450 is not going very far in the upkeep of an automobile.

Mr. COX of Indiana. But have they not a guaranty of so many thousand miles?

Mr. BOWERS. I rise to make an inquiry. What is the point of order the gentleman is raising?

Mr. COX of Indiana. Beginning with the word "including," in line 18.

Mr. BOWERS. What is the language on which the gentleman reserves his point?

Mr. COX of Indiana. It refers to the maintenance of this automobile.

Mr. BOWERS. What is the point of order?

Mr. COX of Indiana. That there is no law for it.

Mr. BOWERS. They have already been purchased and installed and are the property of the Government.

Mr. COX of Indiana. Oh, that is current law.

Mr. MANN. I know; but this is certainly an object in progress, for its maintenance, and there is no point of order that will lie against the paragraph.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. COX of Indiana. I make the point of order.

The CHAIRMAN (Mr. TILSON). The Chair is ready to rule. The Chair understands from the statements of gentleman of the committee that this is for the maintenance and upkeep of an automobile which has already been purchased and is now in use by this department. If such is the case—and the Chair understands it is not disputed—it seems to the Chair that it is a fair construction of the rule that this is a continuance of a public work, and is in order for this reason if for no other. It seems clear to the Chair that it is a continuance of a public work, and a necessary continuance, if the property which has been purchased under authority of law is to be properly utilized. Therefore the Chair overrules the point of order.

The Clerk read as follows:

Highway Bridge across Potomac River: Two draw operators, at $1,020 each; draw operator, $720; 4 watchmen, at $600 each; labor, $1,500; lighting, power, and miscellaneous supplies, and expenses of every kind necessarily incident to the operation and maintenance of the bridge and approaches, $9,340; in all, $16,000.

Mr. CARLIN. I move to strike out the last word, for the purpose of inquiring which bridge across the Potomac River this paragraph refers to.

Mr. GARDNER of Michigan. The Highway Bridge.

Mr. CARLIN. I understand that there are three highway bridges.

Mr. GARDNER of Michigan. This is known as the Highway Bridge, just beyond the railway bridge.

Mr. CARLIN. That is the bridge between the Aqueduct and the railroad bridge.

The Clerk read as follows:

The Commissioners of the District of Columbia are authorized and directed to prepare a new highway plan for that portion of the District of Columbia lying between Mount Pleasant Street, Irving Street, Adams Mill Road, Quarry Road, and Columbia Road, under the provisions contained in the act of Congress approved March 2, 1893, providing for a permanent system of highways in the District of Columbia, as amended by the act of Congress of June 28, 1898: *Provided*, That Lanier Place and Eighteenth Street may be extended under this authority with a minimum width of 40 feet: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia the Commissioners of the District of Columbia are authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to open the connecting street above referred to, as well as Lanier Place and Eighteenth Street within the limits above described, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia: *And provided further*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for the extension of Lanier Place, Eighteenth Street, and the connecting street above described, plus the cost and expenses of the proceeding taken pursuant hereto, not less than two-thirds shall be assessed by the jury as benefits.

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order against that paragraph. I see in line 25 of page 34 it is proposed to assess but two-thirds of the benefits to any property. I would like to know why that provision has been put in there.

Mr. GARDNER of Michigan. The provision is that not less than two-thirds shall be assessed as benefits. It may be more.

Mr. FOSTER of Illinois. I understand that the law is that the benefits shall be assessed against the property holders.

Mr. GARDNER of Michigan. Yes; in this case not less than two-thirds shall be assessed.

Mr. FOSTER of Illinois. I supposed you assessed all the benefits to the property holders.

Mr. GARDNER of Michigan. It varies. It may be one-half, it may be one-third, it may under some circumstances be all.

Mr. BURLESON. It is usually left within the discretion of the jury as to the amount that shall be assessed, whereas here we propose to put a limitation that they shall assess at least two-thirds of it.

Mr. MANN. I will state to the gentleman from Illinois that according to my recollection the recent laws we have passed upon this subject have required all of the benefits to be assessed against the property owners. Occasionally we make an exception. A bill passed here recently which did not require all the benefits to be assessed, but usually we require all the benefits to be assessed against the property owners, and we ought to in every case.

Mr. FOSTER of Illinois. I would like to inquire further if the gentleman can give us information of the class of property that is proposed to be assessed for the opening of these streets. Do people own homes out there, or is it vacant real estate?

Mr. GARDNER of Michigan. It will be residential ultimately.

Mr. FOSTER of Illinois. I know, but what is it now?

Mr. BURLESON. It is unimproved property at this time.

Mr. FOSTER of Illinois. So far as I am individually concerned, if the committee are willing to strike out that provision, I will not make a point of order.

Mr. BURLESON. Very well. Make your motion.

Mr. FOSTER of Illinois. I withdraw the point of order, and move to strike out all after the word "Columbia," in line 19, down to the bottom of the page.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order, and offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "Columbia," in line 19, page 34, strike out all the rest of the paragraph.

Mr. TAWNEY. Mr. Chairman, I do not know but the gentleman from Illinois may accomplish more than he wants to.

Mr. FOSTER of Illinois. My understanding is that the jury are supposed to assess all the benefits.

Mr. TAWNEY. In nine cases out of ten probably only one-half of the cost is assessed as benefits. Under this provision here they can not assess less than two-thirds of that cost as benefits. They may assess all of it, but they must assess two-thirds; but if you strike that out, then the jury, acting under the conditions that obtain here, may assess only one-fourth of the cost as benefits.

Mr. MANN. Who will pay the rest of it?

Mr. TAWNEY. The District of Columbia.

Mr. MANN. Out of what appropriation?

Mr. TAWNEY. They will come here and get the appropriation.

Mr. MANN. Is there any appropriation in this bill for anything of that kind?

Mr. BOWERS. In the item before this.

Mr. NORRIS. The next paragraph.

Mr. MANN. I mean under existing law for condemnation proceedings. This is an exceptional proposition. Is there any reason given for its being exceptional? We usually require the assessment of all the expenses on the property owners.

Mr. NORRIS. There might be many cases where it would be unjust to assess the whole benefit.

Mr. MANN. It might be. Is this one of them? We passed a bill the other day providing that a part only should be assessed for benefits.

Mr. NORRIS. From the names of the streets mentioned here I have an idea that this is one of the places going off from Columbia Road into the park.

Mr. GARDNER of Michigan. That is correct.

Mr. NORRIS. Now, I happen to know something about that property. I can easily see how the property owners down there would be injured.

Mr. MANN. By what?

Mr. NORRIS. By opening up a new road. I do not know exactly how the road runs through there.

Mr. BUTLER. Have these property owners requested this road to be opened and built?

Mr. NORRIS. I do not know. I know there was agitation some time ago about putting a road through there, and I know one of the property owners called my attention to it and said he was very much opposed to the road going through on the theory that it would damage him a great deal. It seemed to me that I would feel that way if I owned the property. I am satisfied that if anyone would look at the property, go over the ground, he would see that it would be some damage to the property owner.

Mr. TAWNEY. I will say that this is intended for the accommodation and benefit of the public by giving to the people another entrance, which is very desirable, into Rock Creek Park. That is the purpose of it. Of course if they take private property for that purpose they must compensate the owner of the property.

Mr. BUTLER. They can not compensate him in assessing damages against him.

Mr. TAWNEY. We only assess so much against him as is beneficial to his property.

Mr. NORRIS. If this amendment prevailed the theory is that you must assess it all against the property. If the property owner is damaged that would be an injustice, it seems to me. The fair way would be to permit the jury to determine the amount; it may be that all of it and it may be that none of it should be assessed against the property owner.

Mr. GARDNER of Michigan. Mr. Chairman, this entrance to the park is not for the benefit of any particular interest, but for the general public. It leaves the highway that intersects Columbia Road at Sixteenth Street. You now have to go a long way around or come way back near Connecticut Avenue in order to get into the park. This is to go down through a ravine at convenient grade, for the road that enters there can not be traveled by vehicles.

Mr. BUTLER. It is another entrance to the park, and not to accommodate commerce or business?

Mr. GARDNER of Michigan. No; it is for the benefit of the people at large. It will save a great deal of travel. Again, it is the judgment of the commissioners that not less than two-thirds should be assessed against the property owners. It may be more, but we accepted their judgment.

Mr. FOSTER of Illinois. Mr. Chairman, my information was that this was vacant property that would be for the benefit of property owners by opening up this road through it, and, in my judgment, the benefits ought to be assessed against the property. If striking out that provision does not provide for that, I do not desire to insist on the amendment, and I ask unanimous consent to withdraw it for the purpose of offering another.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. Now, Mr. Chairman, I offer this amendment.

The Clerk read as follows:

Page 34, line 25, strike out the words "not less than two-thirds shall," and insert "the total cost to," so that it will read: "the total cost to be assessed by the jury as benefits."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOSTER of Illinois) there were—ayes 17, noes 24.

So the amendment was lost.

The Clerk read as follows:

STREETS.

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including rent of storage rooms; maintenance and repairs of stable, purchase and maintenance of horses; purchase, maintenance, and repair of wagons and harness, allowance to inspectors for maintenance of horses and vehicles used in the performance of official duties, not to exceed $30 per month for each inspector, and necessary incidental expenses, and work done under contract, as well as handwork done under the immediate direction of the commissioners without contract: *Provided*, That whenever it shall appear to the commissioners that said latter work can not be done under their immediate direction at 19 cents or less per 1,000 square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per 1,000 square yards, they may continue to do said work under their immediate direction, in accordance with said specifications: *Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose; and of this appropriation the sum of $40,000 is hereby made immediately available, and $250,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. CARLIN. Mr. Chairman, I make the point of order that the portion of the paragraph beginning with the proviso on page 37, line 7, is in conflict with Rule XXI, as it changes existing law.

The CHAIRMAN. The Chair will ask the gentleman to state what his point of order is.

Mr. CARLIN. It changes existing law. This changes the law which now provides that the commissioners shall award this portion of the work included in this provision by contract to the lowest bidder, and this puts it in the power of the commissioners to do the work other than by contract. It changes the statute as it now exists.

Mr. GARDNER of Michigan. Mr. Chairman, I ask the indulgence of the gentleman from Virginia for a moment.

The CHAIRMAN. Does the gentleman withhold the point of order?

Mr. CARLIN. No; this is so plainly subject to the point of order and these discussions have run over such a great length of time that I must insist upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Michigan upon the point of order.

Mr. TAWNEY. Mr. Chairman, the Commissioners of the District of Columbia are charged with the supervision and care of the streets in the District, and I do not think that to authorize them specifically to have this work done under their immediate supervision is any change of existing law. It is true that at the present time they are authorized to discharge that duty in one of two ways, either by contract or by themselves.

Mr. CARLIN. No; they are not.

Mr. TAWNEY. The general power given to the District Commissioners gives them the power to care for, as well as improve, the streets of the city, which includes cleaning, of course. I do not think it does change existing law. They can do that either by contract or not.

The CHAIRMAN. Does the gentleman insist that this is a limitation upon the appropriation? Is that the point of the gentleman from Minnesota?

Mr. CARLIN. Mr. Chairman, this is not only new legislation, but it is changing an existing statute in other respects. The provision itself shows that upon its face, for it starts out with the language—

Whenever it shall appear to the said commissioners that the work now performed under contract—

So it does not seem to me that it is open to discussion at all.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Virginia makes the point of order that the provision is not only new legislation, but changes existing law. The gentleman has not presented to the Chair the existing law——

Mr. CARLIN. Mr. Chairman, I call the Chair's attention to the fact that the present statute, as I am informed, provides that this character of work must be let by contract to the lowest bidder, and this changes that.

The CHAIRMAN. The Chair has no inclination to dispute the fact as stated by the gentleman, but that is not necessary in order to decide this point of order, because the very language of the provision is an authorization; in other words, the making of new law authorizing the commissioners to do what they heretofore could not do. It is therefore clearly legislation. The Chair sustains the point of order.

The Chair is not sure just how much the gentleman from Virginia includes in his point of order.

Mr. CARLIN. Beginning with the word "*Provided*," line 7, down to and including the word "and," in line 19, page 37.

The Clerk read as follows:

For cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the commissioners, including services, $10,000.

Mr. CARY. Mr. Chairman, I wish to reserve the point of order and ask a few questions at this time. I will ask the chairman of the committee if he can inform me at this time if he knows how much is in this fund now.

Mr. GARDNER of Michigan. Of the previous appropriation?

Mr. CARY. Of the previous appropriation.

Mr. GARDNER of Michigan. My impression is that it is practically exhausted.

Mr. CARY. Well, I have been given to understand there is about $6,000 there now to-day, and I would like to ask if the gentleman's committee had under consideration when this proposition was up whether or not there was any left over from the last fund of the $10,000 granted in the last Congress, or if the chairman knew there was about $15,000 on hand the 1st of December of last year.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman may remember some years ago an appropriation was made at the other end of the Capitol, I think, of some $35,000 to clear snow and ice, while on the average it takes from about $5,000 to $10,000. Only a part of that appropriation has ordinarily been used and the balance covered back into the Treasury. There has been no use for it, but to cover possible contingencies the committee felt it was best, at least, to authorize a $10,000 appropriation for the ensuing year.

Mr. CARY. I would like to say to the gentleman, and I wish to quote the Evening Star of December 8, 1910. When the controversy was up the Evening Star said that there had been about $3,500 spent up to that time for removal of snow—in that neighborhood—and they were anxious to know why the snow was not being removed, and so forth, as there were so many complaints being made by the citizens of this District that there was no snow cleaning being carried on.

From the 8th of December until the beginning of the 15th, except by the so-called white angels, cleaning by the regular gang who clean the streets was suspended. That was suspended from the 8th of December until the 15th, and during that time Mr. Commissioner Johnston was called to the President's office and asked why the snow was not being removed, and the Star on the 14th stated the commissioner claimed there was about $6,500 of the $10,000 spent, but he did not say anything about the $5,000 left over from the previous fund, and, in fact, there was not this amount of money spent. On December 15 the street snow cleaners were ordered to go ahead again. In the meantime the snow had melted and froze and became ice, and it was necessary to use picks, whereas if they had let the men continue on the 9th the cleaning could have been finished in the usual way with a good deal less expense. The Star claimed that the commissioner reported that there was about $4,500 spent out of the $10,000, while saying nothing about the amount available December 8, $14,900. The amount actually spent between the 6th of December and the 8th, 1910, was somewhere in the neighborhood of $3,900, and I am told there is now about $6,000 in the fund. I did not know but what the chairman might have had this thing before his committee and could have informed us something about the controversy at the time, and why this snow cleaning was stopped when there was plenty of money in the fund to clean the streets instead of letting it stay there and become ice and they had to take pickaxes at about three times the expense to remove it. Who was to blame for this?

I wish to call the attention of Congress to H. R. 28973, and which bill I think is a very bad one.

I have been informed by very good authority that this bill was drafted by two Washington lawyers at the request and expense of one of the largest out-of-town purchasers of tax-sales certificates and was given to the commissioners to be introduced as a measure for the benefit of the municipality, when in fact it was a bill for the special relief of the tax-certificate buyers, who made the purchases under existing laws and who should stand by the terms of these laws.

Because the property holders, who through misfortune had their property sold to those tax purchasers, would not submit to the outrageous bonus and charges for release this prominent tax purchaser, who annually buys $100,000 worth of tax certificates and who has already wrung out of the taxpayers of this city more than one-half a million dollars in charges, costs, and interest, had this law presented to the Commissioners of the District, and the commissioners are pushing its passage here as a measure in the interest of the city. I am told it is in fact a bill for the relief of two tax sharks from Rochester, N. Y., and other tax sharks of this city.

I think the commissioners should be on the lookout for such bad bills and not father them, but think of the poor taxpayer once in a while; but, as is often said, Washington is the heaven for the tax dodger.

I wish to call your attention to another matter and will read a letter just received from the commissioners and also the acts on this subject:

[Public, No. 94.]

An act permitting the Washington Market Co. to lay a conduit across Seventh Street west.

Be it enacted, etc., That the Washington Market Co. is hereby authorized to lay a conduit and pipes from Center Market eastward across and under Seventh Street west, for refrigerating purposes, under the following conditions, namely: The conduit and pipes therein shall be laid in a straight direction, at a right angle to the building lines of said Seventh Street, to the west building line of square No. 461 of the city of Washington. They shall be located as directed by the Commissioners of the District of Columbia and be laid under their inspection; and the cost of such inspection, together with the cost of replacing the pavement, curbs, and sidewalks disturbed in connection with said work, shall be paid in advance by the Washington Market Co. The conduit and pipes shall be used for no other purpose than refrigeration for the use of persons engaged in said square No. 461 in the traffic in meat and other articles of market produce; and the said company shall not rent or sell the said conduit or pipes, or any part thereof, but may sell for a time, not to exceed 12 months at any one sale, the use of the fluid transmitted.

SEC. 2. That on violation of any of the above provisions or restrictions the said commissioners shall require the permittee, after 30 days' notice, to abandon the use of said conduit and pipes and remove them from said Seventh Street, and if said permittee shall neglect or refuse to remove said conduit and pipes and place the surface of Seventh Street, including the sidewalks, in good condition within 60 days after the date of said notice, the said permittee shall be deemed guilty of a misdemeanor and shall be liable to a fine of $10 for each and every day that the said conduit and pipes, or any of them, are allowed to remain in said Seventh Street, or the said street shall remain out of repair, which fine shall be recovered in the police court of the said District, in the name of said District, as other fines and penalties are now recovered in said court.

SEC. 3. That Congress reserves the right to amend, alter, or repeal this act.

Approved, February 23, 1905.

[Public, No. 285.]

An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes.

Be it enacted, etc., That sections 713 and 714 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, are hereby amended so as, respectively, to read as follows:

"SEC. 713. All savings banks, or savings companies, or trust companies, or other banking institutions, organized under authority of any act of Congress to do business in the District of Columbia, or organized by virtue of the laws of any of the States of this Union, and having an office or banking house located within the District of Columbia where deposits or savings are received, shall be, and are hereby, required to make to the Comptroller of the Currency and to publish all the reports which national-banking associations are required to make and publish under the provisions of sections 5211, 5212, and 5213 of the Revised Statutes of the United States, and shall be subject to the same penalties for failure to make such reports as are therein provided, which penalties may be collected by suit before the supreme court of the District of Columbia. And the comptroller shall have power, when in his opinion it is necessary, to take possession of any such bank or company, for the reasons and in the manner and to the same extent as are provided in the laws of the United States with respect to national banks: *Provided, however*, That banking institutions having offices or banking houses in foreign countries as well as in the District of Columbia shall only be required to make and publish the reports provided for in this section semiannually: *And provided further*, That all publications authorized or required by said section 5211 of the Revised Statutes, and all other publications au-

thorized or required by existing law to be made in the District of Columbia, shall be printed in two or more daily newspapers of general circulation, published in the city of Washington, one of which shall be a morning newspaper.

"SEC. 714. The Comptroller of the Currency, in addition to the powers now conferred upon him by law for the examination of national banks, is hereby further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank mentioned in the preceding section. The expense of such examination shall be paid in the manner provided by section 5240 of the Revised Statutes of the United States relating to the examination of national banks."

Approved, June 25, 1906.

[Public, No. 49.]

An act in relation to the Washington Market Co.

Be it enacted, etc., That the Washington Market Co. be, and it is hereby, authorized to procure, by purchase or lease, all or part of square No. 328, in the city of Washington, and thereon conduct a cold-storage business and manufacture ice for use in Center Market and for sale: *Provided*, That nothing in this act shall be held to limit or affect in any way any of the provisions of an act to incorporate the Washington Market Co., approved May 20, 1870.

SEC. 2. That the right to alter, amend, or repeal this act, without any liability therefor, is hereby expressly reserved.

Approved, February 1, 1907.

[Public, No. 89.]

An act (S. 1864) 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.

Be it enacted, etc., That to promote the purposes of the act approved February 1, 1907, allowing the manufacture of ice on square No. 328, in the city of Washington, the Commissioners of the District of Columbia are hereby authorized to issue permits to the Washington Market Co. for the laying and maintaining of a line of railroad or a switch from square No. 300 across Twelfth Street and into said square No. 328 by an overhead track to be approved by said commissioners, and for the laying of an underground conduit and pipes from the said square No. 328 across and under Water Street, to and into the Potomac River, for the taking of water from said river to be used for manufacturing purposes in said square, but for the purposes of said overhead track no present grades of Twelfth Street shall be disturbed, and said overhead track shall have a clearance of at least 18 feet above the curb of said street, and said overhead track and the underground conduit and pipes hereby authorized shall be located and from time to time moved as may be directed by the said Commissioners of the District of Columbia, and be laid and maintained under their inspection in such locations as they may prescribe, and the cost of such inspection and of replacing the pavements, curbs, and sidewalks disturbed by said work shall be paid by the parties to whom the permits shall be granted: *Provided*, That the Washington Market Co., its successors, or assigns, to whom under authority of this act permission may be granted by the Commissioners of the District of Columbia to construct or maintain the overhead track and line of conduit hereinbefore authorized shall pay for the privilege of the construction and maintenance in public space of the said overhead track, conduit, and pipes an annual franchise tax of $100, which sum shall be paid to the collector of taxes of the District of Columbia during the month of May of each year subsequent to the granting by the commissioners of the original permit for the work: *Provided further*, That failure to pay to the collector of taxes the said sum annually within the period named shall operate to annul and render void the privileges herein authorized in respect to the overhead track, conduit, and pipes referred to: *And provided further*, That any sums paid to the collector of taxes in accordance with this measure shall be credited as are other taxes of the District of Columbia: *And provided further*, That the franchise tax of $100 above referred to shall be in addition to any and all other taxes now or hereafter imposed by law.

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

Approved, March 23, 1910.

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 27, 1911.

Hon. WILLIAM J. CARY, *House of Representatives.*

DEAR SIR: The Commissioners of the District of Columbia have the honor to make answer to your interrogatories to them of the 18th instant, as follows:

1. Does the Washington Market Co. occupy the market at the corner of Seventh Street and Pennsylvania Avenue NW.?

Answer. It occupies a tract from Seventh to Ninth Streets west and fronting on B Street north the distance between those streets. Its site does not extend out to Pennsylvania Avenue, the following area of the original tract having been transferred to the District of Columbia as a site for a building for District offices, on March 18, 1873, by an agreement between the Washington Market Co. and the Board of Public Works, under authority of an act of Congress approved March 3, 1873. (17 Stat., 540.) The area so transferred is as follows:

"Beginning at the southwest corner of Seventh Street and Pennsylvania Avenue; thence westerly along the southern side of Pennsylvania Avenue to its intersection with the southerly side of Louisiana Avenue; thence westerly along the southerly side of Louisiana Avenue to the east side of Ninth Street; thence along the east line of Ninth Street 86 feet; thence easterly on a line parallel with the aforesaid southerly line of Louisiana Avenue to a point 86 feet south of said intersection of the southerly lines of Pennsylvania and Louisiana Avenues; and thence on a line parallel with the aforesaid southerly side of Pennsylvania Avenue to the westerly line of Seventh Street at a point 86 feet from the corner began at; thence northerly along the west line of Seventh Street to the corner began at, together with the right to said District of Columbia to use in common with said party of the first part, as a passageway and courtyard, all the land between the lot above described and a line drawn westerly from Seventh to Ninth Streets 10 feet north of the north walls of the present Seventh and Ninth Street buildings of said part of the first part."

2. Are they the owners of that property?

Answer. Sections 12 and 13 of the act of incorporation of said company provide as follows:

"SEC. 12. *And be it further enacted*, That the privileges conferred by this act shall be enjoyed by said company for the term of 99 years, unless sooner terminated for a noncompliance or abuse of the conditions herein imposed upon said company, which may be done by suit in the name of the United States, to recover possession of said property. At the end of said period of 99 years the said lands, with all the erections and improvements thereon, shall revert to the United States, unless Congress shall by law extend the period of occupation thereof by said company: *Provided*, That if the corporation of the city of Washington shall, after a period of 30 years from the approval of this act, by a vote of the councils thereof express a desire to possess itself of the said market buildings and grounds, Congress may authorize the corporate authorities to take possession of the same upon payment to the said Market House Co. of a sum of money equal to a fair and just valuation of the buildings and improvements then standing on said grounds, and the mode and manner of ascertaining such valuation shall be determined by Congress.

"SEC. 13. *And be it further enacted*, That the real estate herein described is hereby vested in the said corporation for and during the said term of 99 years, or until a forfeiture of its rights and privileges by a breach of the conditions herein imposed on said company, and said estate shall be taken and considered as a determinable fee. The real and personal property of said corporation shall be subject to assessment and taxation for all District and municipal purposes in the same manner and to the same extent that like property in the city of Washington owned and possessed by individuals is liable to assessment and taxation."

3. Do they pay anything to the District of Columbia for the use of that land?

Answer. For the current fiscal year the taxation on said property is as follows: Assessment on ground, $533,610, taxable at the rate of $1.50 per $100 of assessed valuation; assessment on improvements, $450,000, taxable at above rate.

The tax for the current fiscal year is $14,754.15.

The assessment on personal property against said corporation for the current fiscal year is $10,400 on market fixtures, also taxable at $1.50 per $100 of assessed valuation, which amounts to $156. The corporation is also subject to an assessment upon its gross earnings for the use of cold-air conduits which amounts to $13,373.67, a tax on which at 4 per cent is $534.95.

The company also pays to the District, under section 14 of the act of incorporated above cited (16 Stat., 127), the sum of $7,500 per annum, which is paid into the Treasury of the United States as part of the revenue of the District of Columbia. It is prescribed in said section that this money shall be applied to the support and relief of the poor of the city of Washington and the District of Columbia.

This franchise rental was originally $25,000, but was reduced to $20,000 by an act of the Legislative Assembly of the District of Columbia of August 23, 1871, and in consideration of the conveyance to the District of Columbia of the portion between the market house and Pennsylvania Avenue mentioned in the description in the answer to interrogatory No. 1, was reduced on the 22d of March, 1873, to $7,500.

4. Who are the owners of the land?

Answer. The fee-simple title of the land is in the United States, subject to the conditions mentioned above.

Copies of acts of Congress of February 23, 1905, March 31, 1906, February 1, 1907, and March 3, 1910, respecting other privileges to the company, are inclosed.

If after reviewing the foregoing you should have occasion to make further inquiries, the commissioners will be glad to make response thereto so far as they shall be able.

Very respectfully,

BOARD OF COMMISSIONERS, DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

The $7,500 mentioned above should be paid into the United States Treasury if this land belongs to the United States and provision made some other way for this charity. The United States should not pay it all; the District should pay one-half.

I sincerely hope that Congress will take some steps to take over this land at once, instead of buying other property for new buildings required by the Government.

I thoroughly believe that the whole District government should be investigated, and that as soon as possible. It is time something was done.

Mr. GARDNER of Michigan. I will say to the gentleman from Wisconsin that he is in error about the previous appropriations being carried over into this fund. That was specially amended last year. Now, on the 13th of December, Commissioner Johnston, and I read from the hearings, said:

Mr. JOHNSTON. We have an unexpended balance of $5,400. We have spent $4,600 to date on this present storm. Our equipment is this: We have sidewalk plows that clean a pathway 4 feet wide along the sidewalk and at the crossings. We jump the curb and clean the crossing and jump up the curb on the other side. Then, in addition to that, next the curb, we have gutter plows that push the snow back about a foot, so as to enable the melting snow to drain freely into the sewers and prevent it backing up on the sidewalk. Then, besides all that, on the roadways for vehicular traffic we have grading plows. We ordered six, and we have just ordered six more out of that $8,000 that you allowed us for street sweeping. We can not differentiate between dirt and snow.

And I would say on the same authority that the gentleman uses, namely, the Star, which I read and which is a very excellent paper, we can——

Mr. MANN. Is the point of order going to be made? If it is not, I am going to make it pretty soon. I insist on a ruling on the point of order.

Mr. GARDNER of Michigan. Let me put this right.

The CHAIRMAN. Objection is heard.

Mr. MANN. I ask for a ruling on the point of order. Let us get the matter properly before the committee.

The CHAIRMAN. The Chair will ask the gentleman from Wisconsin [Mr. CARY] if he makes a point of order.

Mr. CARY. I do not wish to really make it. I would like five minutes more if I could get it. I do not want to cripple the street-cleaning department or any other department.

The CHAIRMAN. Is there objection to the gentleman proceeding for five minutes?

Mr. MANN. Has there any ruling been made on the point of order?

The CHAIRMAN. The gentleman has reserved it.

Mr. MANN. I ask for a ruling.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. CARY. I do not want to insist on it, if I can make a little explanation.

Mr. MANN. I wish for a ruling upon his point of order.

The CHAIRMAN. Does the gentleman wish a ruling on his point of order?

Mr. CARY. Mr. Chairman, I withdraw it; but I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last three words. I would like to ask the gentleman in charge of the bill, my friend from Michigan [Mr. GARDNER], What is the meaning of the phrase "including services?" To what services does it allude? It is found on page 37, line 24. What services are included in the measly sum of $10,000 with which to do important work?

Mr. GARDNER of Michigan. The employment of labor on the streets.

Mr. GOULDEN. It does not seem to me that if you are appropriating $10,000 here for cleaning snow and ice from the streets, sidewalks, crosswalks, and gutters that ought to be for the services of the laborers. What other service is it for?

Mr. GARDNER of Michigan. That is what it is.

Mr. GOULDEN. I would like to ask the gentleman from Michigan if he regards that sum sufficiently large to do the work properly on the streets of the city of Washington.

Mr. GARDNER of Michigan. Ordinarily; yes. There may be exceptions. It is more than is used on the average.

Mr. GOULDEN. May I say to the gentleman and to the committee that I think the crosswalks and sidewalks of the city of Washington are in the worst condition immediately after a snowstorm of any city I have ever visited, and I believe I have visited all the important cities of the country? No effort is made to clean them properly.

Mr. GARDNER of Michigan. Equipment has been purchased, and some is on the way, to improve that very feature.

Mr. GOULDEN. Let me ask the gentleman another question. Is there any law whereby the commissioners shall clean the sidewalks in front of unoccupied property and charge it to that property?

Mr. GARDNER of Michigan. Not now, I think. We hope there will be.

Mr. TAYLOR of Ohio. I will state to the gentleman a bill has just passed the Senate, and is now before the House, that takes up that subject.

Mr. GOULDEN. I hope it will become a law, for now every unoccupied house and every vacant lot is a menace to the people who have to walk along the streets. I withdraw the pro forma amendment.

Mr. BUTLER. Mr. Chairman, it requires, of course, no exhibition of great statesmanship when treating of snow shoveling and dirt sweeping, but, if in order, I would like to know whether or not the District Commissioners have the authority to clean the sidewalks and pavements in the District.

Mr. MANN. They have the authority, but not the money.

Mr. BUTLER. Does the gentleman from Michigan [Mr. GARDNER] know whether they have the authority?

Mr. GARDNER of Michigan. There is no law compelling them to do it.

Mr. BUTLER. Then, not having the authority to clean the pavements, why should we make an appropriation of money for the purpose when it can not be used? I have walked over these streets for 15 years. I have walked over the streets, roads, and lanes of a good many places prior to that time, and I have never seen such a mean, miserable, unhealthy condition of pavements, streets, and sidewalks after snowstorms as found in the city of Washington. Foot passengers are not treated well in the District in wintertime. Somebody ought to have authority to do the cleaning, and the revenue should be provided for that purpose. In every little town in the country, where many of us live, and in the big cities, contributions of money are made for the purpose and authorities directed to expend it. If I could make an amendment here without it being subject to a point of order, I would offer it, giving the commissioners ample funds and sufficient authority. I have not seen a bit of street cleaning except in the instance of a horse and drag this winter—a most ridiculous attempt at street cleaning.

Mr. MANN. The white wings are all over town.

Mr. BUTLER. That is in the summertime. We have the white wings; that is all right. I am talking about the snow and ice in wintertime.

Mr. TAYLOR of Ohio. Does not the gentleman know that neither the District Commissioners nor the Congress of the United States ought to be blamed for that? There have been snow and sidewalk cleaning laws passed on several occasions since I have been a Member of the House, and every time those laws were taken into court and were declared unconstitutional.

Mr. BUTLER. Will the gentleman yield? The gentleman says that these laws are declared unconstitutional.

Mr. MANN. These are laws trying to compel the property owners to clean the sidewalks in front of their property, whereas the sidewalks belong to the District of Columbia.

Mr. TAYLOR of Ohio. The sidewalks in front of their property.

Mr. MANN. But they have paid taxes and they have received no benefit, and now they want to tax them over. If they want to remove the snow they have the power; all they need is the money.

Mr. BUTLER. Another question while on my feet. Will the sum of $10,000 be a sufficient amount of money to enable the Commissioners of the District of Columbia to keep these sidewalks and these crossings clean and in a passable condition during the snow and ice season?

Mr. GARDNER of Michigan. Does the gentleman mean in the entire District?

Mr. BUTLER. The sidewalks that are used by the people.

Mr. GARDNER of Michigan. In the resident portion? They could not do it this winter for $200,000. This is a big town when you take the area into consideration.

Mr. BUTLER. It is a big town; 5 miles wide and 10 miles long, maybe; the greater reason why we should pay some attention to the subject. As I stated at the outstart, the question does not involve the Constitution of the United States, but it does involve the constitution of man. I think it would be as well for us to talk about our own constitutions sometimes as it is to talk about the Constitution of the United States all the time. Is there not some plan to be devised which will enable the Commissioners of the District to keep the sidewalks and crossings clean in the wintertime?

Mr. AMES. Offer an amendment increasing it from $10,000 to $200,000.

Mr. MANN. I maintain in my own home city a snowplow which cleans off——

Mr. HINSHAW. Do you run it yourself?

Mr. MANN. I get another mule to run it [laughter]—another donkey besides myself. [Renewed laughter.] It cleans off probably 3 or 4 or 5 miles of sidewalk every time a snow occurs, which is oftener in Chicago than here, at a mere nominal expense. The same thing could be done in Washington at a very light expense, or at any other place, if they endeavored to do that.

Mr. BUTLER. Mr. Chairman, supplementing what the gentleman from Illinois has said, it does seem to me queer that what can be done at every other place in the Union can not be done in the city of Washington.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. I ask five minutes more.

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

Mr. BUTLER. Mr. Chairman, it is the observation of everyone who knows anything about the subject that I am not overstating the conditions of the streets and pavements here in thus describing them, and at certain seasons of the year they are not fit to walk over.

Mr. GARDNER of Michigan. What does the gentleman mean by the streets?

Mr. BUTLER. I mean the sidewalks.

Mr. GARDNER of Michigan. All over?

Mr. BUTLER. Everywhere the people are required to walk. There should be, if there is not now, some provision of law which will require the commissioners of the city of Washington to keep the pavements clean. I think the Government ought to pay its share, and the city its share, of the cost of keeping them in a fit condition for the use of pedestrians.

Mr. GARDNER of Michigan. Do you mean the streets or sidewalks?

Mr. BUTLER. The sidewalks, where people walk.

Mr. KENDALL. I want to ask the gentleman from Pennsylvania if he has considered the propriety of requiring the property owners to keep the sidewalks in front of their property clean, as they are required to do in other cities.

Mr. BUTLER. That has been talked about many times since I have been here in the House, but we have never reached a conclusion on it; men have different views on the subject.

I am not so particular about the source of payment. I am perfectly willing to keep in repair property which I own, to clean off the snow from the pavement in front of it, and keep it in passable condition. Somebody, or some institution, ought to be required to keep these pavements clean.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. BUTLER. Yes.

Mr. GARDNER of Michigan. Is the gentleman willing to require others to do in front of their property what he says he does in front of his?

Mr. BUTLER. I would require them to do it, if to require them is just. I apologize for taking the time of the Government to talk about pavement cleaning, for nothing will come of it. The streets in this town will never be cleaned by anybody.

Mr. NORRIS. Yes; they will. A few speeches like this will produce some result.

Mr. BUTLER. I want to say to my friend from Michigan that we are all geared wrong here. It is understood that no snow can fall in this town. I have been out in snowstorms when I have met gentlemen from the South who insisted that it was not snowing, because it ought not to snow here. Therefore, snow being unlooked for, no provision is made, as in northern cities, to keep streets clean. I do not know how it should be done.

Mr. MANN. Will the gentleman yield to me to offer an amendment, to see if we can get some way to do it?

Mr. BUTLER. Of course I will yield to any gentleman who will make the attempt.

Mr. GARDNER of Michigan. Before the gentleman offers his amendment let me say that the conditions for the future appear to be materially brighter, and unless the judgment of the committee is mistaken, the streets will be better cared for in the future than they have been in the past.

Mr. BUTLER. That is a hopeful promise.

Mr. DOUGLAS. How can that be, when the gentleman admits that $10,000 is less than the average that has been spent in the past?

Mr. GARDNER of Michigan. I said it was more than the average.

Mr. DOUGLAS. I understood the gentleman to say it was less than the average.

Mr. MANN. I move to amend by striking out, in line 24, the word "ten" and inserting in lieu thereof the word "forty."

The CHAIRMAN. Does the gentleman from Pennsylvania yield for that purpose?

Mr. MANN. He yielded the floor. He can resume it again whenever he pleases.

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

The Clerk read as follows:

Page 37, line 24, strike out "ten" and insert "forty."

Mr. BUTLER. Let me ask the gentleman, if this appropriation of $40,000 should be made, will the amount be sufficient, in his judgment, to enable the Commissioners of the District to clean the sidewalks?

Mr. GARDNER of Michigan. My judgment is not worth any more than that of the gentleman from Pennsylvania or any other man in the House.

Mr. BUTLER. I prefer to take the gentleman's judgment rather than rely upon my own.

Mr. GARDNER of Michigan. This sum of $40,000 is more than has been expended for 10 years for this purpose. It ought to be sufficient, with the equipment that they have now and on the way, to do it and do it well.

Mr. BUTLER. I hope that the committee will adopt the amendment offered by the gentleman from Illinois. Let us try it for one year.

Mr. KENDALL. I want to submit an inquiry to the gentleman from Illinois. I wish to inquire if this appropriation is to be devoted to clearing the sidewalks in front of private residence property.

Mr. MANN. This appropriation is, of course, for streets and sidewalks, crosswalks, and gutters, and, in my judgment, would be devoted in part to cleaning the sidewalks on residence streets.

Mr. KENDALL. I would like to have the gentleman from Illinois develop his views on that question. There seems to have been great difficulty heretofore in framing a provision that would stand the test of the courts. As far as I am concerned, I am opposed to appropriating a dollar for the purpose of cleaning sidewalks in front of private property in the District of Columbia.

Mr. MANN. Mr. Chairman, I do not think the matter is so very difficult of understanding. The courts throughout the country in various cases have held that there are practically only three ways of taxation. One is by special assessment for benefits received, another is by special taxation for presumed benefits received, and the third is by general taxation. There is no other way of compelling the owner of property to contribute his money.

Now, the owner of a vacant lot receives no special benefit from cleaning the snow in front of his lot, and the courts have repeatedly held that you can not require, either in the form of a special tax or a special assessment, the owner of vacant property to pay for cleaning the snow off the sidewalk in front of his lot when it was perfectly patent that there was no special benefit to his property. That being the decision of the court, not only here but elsewhere, it would seem that the only way to get at it is through general taxation.

Mr. JAMES. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. JAMES. Under the gentleman's amendment the words "for cleaning snow and ice from the streets" would include the cleaning of the street-car tracks, would it not?

Mr. MANN. No; the statute referring to the street-car companies requires them to remove the snow.

Mr. JAMES. But the gentleman's amendment provides that the streets shall be cleaned.

Mr. MANN. I have not changed the language any.

Mr. JAMES. It says "streets, sidewalks, crosswalks, and gutters."

Mr. MANN. That has been the language for years.

Mr. JAMES. Under that they would be required to clean the street-car tracks, for they are a part of the streets, and this ought not to be allowed at the expense of the Government.

Mr. MANN. The street-car ordinance requires that they shall clean their tracks from snow.

Mr. BURKE of Pennsylvania. It gives the commissioners the discretion in regard to it.

Mr. BORLAND. Mr. Chairman, I want to oppose this amendment. If that language is left as it is, and construed as the gentleman from Kentucky has so clearly pointed out that it may be construed, neither $10,000 nor $40,000 will be a drop in the bucket, and it would be a waste of money. If that language is cut down to what it is intended to be—sidewalks, crosswalks, and gutters—$10,000 is ample. If a proper ordinance could be brought in here, which I believe would be held constitutional, to compel resident property owners to clean the sidewalks in front of their residences, $10,000 would certainly be ample. We never ought to appropriate for cleaning the driveway portion of the street, including the street-car tracks. The gentleman from Michigan has correctly said that $200,000 would not accomplish that. The only thing the District, including the Federal Treasury with its contributions, is liable to do at all is to clean the crosswalks and sidewalks, and all the rest ought to be taken care of, as far as possible, by the resident owners of property.

Under these circumstances the amendment of the gentleman from Illinois to make it $40,000 should be voted down.

In the preceding paragraph is a complete paragraph relating to street cleaning where we appropriate one-quarter of a million dollars. It has been the experience of many American municipalities that it costs about 7 per cent of the total real-estate taxation to clean the streets. Seven per cent of the total real-estate taxation of the District is $294,000, and we have appropriated $250,000, or approximately 7 per cent, for cleaning the streets. Why should we go on and in another ambiguous clause appropriate for cleaning the streets of particular obstructions of snow and ice? I say, Mr. Chairman, that this amendment ought to be voted down.

The CHAIRMAN. The pro forma amendment will be withdrawn.

Mr. GARDNER of Michigan. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 37, line 22, after the word "sidewalk," insert the words "in front of public places."

Mr. NORRIS. That is not an amendment to the amendment and is not in order at this time.

The CHAIRMAN. It is not an amendment to the amendment and is not in order at the present time.

Mr. GARDNER of Michigan. Then, Mr. Chairman, I want to speak to the amendment. I have followed the gentleman from Illinois a great many times.

Mr. MANN. If the gentleman from Michigan will pardon me, I do not care how the House votes on this amendment. I am pretty firm on my own feet. I have no difficulty in walking on the sidewalk that is paved, whether it is slippery or not.

Mr. BUTLER. I congratulate the gentleman from Illinois, but we are not quite so sticky on our feet. Half the time I walk on the car tracks.

Mr. GOULDEN. But the gentleman from Illinois is growing old.

Mr. OLMSTED. The statement of the gentleman from Illinois merely illustrates that the "wicked stand on slippery places."

Mr. GARDNER of Michigan. Mr. Chairman, in 1902 we appropriated $1,000 for this purpose; in 1903, $1,000, with a deficiency of $5,000; there was an extraordinary storm that cost that extra amount. In 1904 we appropriated $1,000, with a deficiency of $10,000. In 1905 we appropriated $2,500, with a deficiency of $5,000. In 1906 we appropriated $2,500; in 1907, $2,500; in 1908, $4,000; in 1909, $4,000, with a deficiency of $5,000. In 1910 there came an appropriation from the other end of the Capitol, and which later was found to be not needed, of $35,000. So that you propose to increase this to $40,000, when it seems almost equal to the amount used for 10 preceding years. I hope that the amendment will not prevail, and that it will stand at $10,000.

Mr. MARTIN of South Dakota. How much of the appropriation of $35,000 which the gentleman has spoken about was used for that year?

Mr. GARDNER of Michigan. I think for that year about $5,000.

Mr. MARTIN of South Dakota. We have never in practice used more than $10,000?

Mr. GARDNER of Michigan. Not to my knowledge.

Mr. BUTLER. The question is whether you have used that.

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

The question was taken, and the amendment was rejected.

Mr. GARDNER of Michigan. Mr. Chairman, I now ask for the consideration of the amendment which I sent to the desk a few moments ago.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 37, line 22, after the word "sidewalk," insert the words "in front of public places."

Mr. GARDNER of Michigan. That means the clearing of the streets and in front of the public places—a clear sidewalk on these main streets.

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

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

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to the paragraph by striking out the word "streets" in line 22.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 22, strike out the word "streets."

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

Mr. GARDNER of Michigan. Mr. Chairman, that ought not to prevail.

Mr. MANN. It will not.

Mr. GARDNER of Michigan. Because you would need to get the snow, for instance, from the street in front of the post office, where at times it has been very bad. I simply cite that as an illustration.

Mr. BORLAND. If the gentleman from Michigan will permit a question just a moment, I waited until the gentleman's amendment was proposed to see whether it would limit both streets and sidewalks to public places, but, as I understand his amendment, it is sidewalks in front of public places, but streets generally.

Mr. GARDNER of Michigan. The gentleman has the right understanding.

Mr. BORLAND. The gentleman's argument now is correct, that there might be streets in front of public buildings that ought to be cleaned.

Mr. MANN. If the gentleman had been here at the time we had the big snowstorm, he would not offer such a suggestion.

Mr. PARSONS. Mr. Chairman, I would ask the gentleman just what place his provision would clean now. Would it only allow the use of the money to clean the sidewalk across public places?

Mr. GARDNER of Michigan. Oh, no; any streets, the same as they are cleaned now, but there is no one to remove the snow from in front of the public places. In front of the business places and the residences generally it is removed.

Mr. PARSONS. Are not the public places, the triangles, and so forth, that we cross, under the jurisdiction of some official other than the commissioners, and has not that official money with which to clean the snow from those places?

Mr. GARDNER of Michigan. Not that I know of.

Mr. PARSONS. So that this position is not necessary.

Mr. GARDNER of Michigan. Not according to my recollection.

Mr. PARSONS. My recollection is that those places are all cleaned now.

Mr. STAFFORD. It has been my observation during the recent snowstorms that the only places along Pennsylvania Avenue not cleaned are those in front of public places on which monuments are erected.

Mr. PARSONS. That is not so in some of the squares.

Mr. STAFFORD. I know that has been the case several times this winter in front of the public triangles along Pennsylvania Avenue.

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

The question was taken, and the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I move to amend by striking out in line 24, page 37, the words "including services."

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 24, page 37, strike out the words "including services."

Mr. NORRIS. Did the gentleman from Michigan wish to ask me a question?

Mr. GARDNER of Michigan. I intended to.

Mr. NORRIS. I will yield to the gentleman.

Mr. GARDNER of Michigan. I wanted to inquire how the work is to be performed unless you pay for the services.

Mr. NORRIS. I supposed the appropriation of $10,000 was to pay for the services.

Mr. MANN. It would be required to be done by contract unless that was in there.

Mr. BUTLER. I thought they required the commissioners to do that with shovels. [Laughter.]

Mr. GARDNER of Michigan. They simply employ the men necessary to do the work.

Mr. NORRIS. I take it that the appropriation included in this item meant that, but I have offered this amendment for the purpose of getting some information as to why these particular words were used. Why are they included in this item and never appear anywhere else?

Mr. GARDNER of Michigan. They do appear in other places.

Mr. NORRIS. If they are there for the purpose of making this appropriation available, why are they not necessary in other places to make other appropriations available?

Mr. GARDNER of Michigan. My answer to the gentleman is that ordinarily the work of the District is done by contract, hence you will not find the words "for services" in the contract. Now, if the gentleman will allow me——

Mr. NORRIS. I have the floor, but I would rather the gentleman did the talking.

Mr. GARDNER of Michigan. The gentleman asked me a question, and I am trying to answer it.

Mr. NORRIS. I say I shall be very glad to have the gentleman reply, because I expect perhaps to ask him the very question.

Mr. GARDNER of Michigan. If it is not done by contract, all services employed by the commissioners are paid for out of this fund. If it were done under contract, the words would not appear.

Mr. NORRIS. I have a question which I desire to ask the gentleman upon which I desire him to enlighten me, and that is: In all cases where it is not done by contract do these words appear?

Mr. GARDNER of Michigan. As a general proposition, I should say yes.

Mr. NORRIS. Is not it necessary, according to the gentleman's theory, they should be in to make the appropriation available?

Mr. GARDNER of Michigan. I say as a general proposition, yes.

Mr. NORRIS. Is that true of all such items?

Mr. PARSONS. Perhaps not exactly in those same words.

Mr. GARDNER of Michigan. The spirit if not the letter.

Mr. NORRIS. I do not understand why this work could not be done without those words, but I have no objection to those words being in, and if they are necessary to be in, of course, they ought to be in, but it seems to me entirely unnecessary.

Mr. GARDNER of Michigan. I endeavored to explain to the gentleman the difference between a contract and the employment of daily services.

Mr. NORRIS. The gentleman's explanation is very ingenious, although not convincing; and yet I am going to submit to his superior judgment and withdraw the motion.

The CHAIRMAN. The motion of the gentleman from Nebraska is withdrawn.

The Clerk read as follows:

Disposal of city refuse: For the collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; for collection and disposal of night soil in the District of Columbia, and for the payment of necessary inspection, livery of horses, and incidental expenses, $179,945.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill if this work, provided for in this paragraph, is all done by contract.

Mr. GARDNER of Michigan. I so understand, every dollar of it.

Mr. NORRIS. Now, it would not be possible under this appropriation for the commissioners, or any other officials, to expend a dollar of this without advertising and letting a contract?

Mr. GARDNER of Michigan. No.

Mr. COX of Indiana. I want to ask the gentleman a question in that same connection.

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Indiana?

Mr. COX of Indiana. I do not want to interfere with the gentleman from Nebraska——

Mr. NORRIS. I do not know how the gentleman can help interfering if he proceeds to put his question, but I am perfectly willing to yield to the gentleman to put the question.

Mr. COX of Indiana. I desire to ask the gentleman, Is not this the first time this has been put on a contract basis?

Mr. GARDNER of Michigan. It has been running for a long period of years.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Michigan [Mr. GARDNER] if he would object to an amendment changing the words "District of Columbia" to "county of Washington," having reference to the colloquy in which some of us engaged when we had county roads under discussion, and in the course of which the gentleman from Illinois [Mr. MANN] informed us that we are now within the county of Washington. I wish to call the attention of the gentleman and of the committee to the facts of this important matter: When this District was made the seat of government by the act of 1790 it was not given any name at all. It was to be a district not exceeding 10 miles square lying along the Potomac. It was not given any name at all; Columbia was not mentioned.

Mr. MANN. Will the gentleman pardon me if I call his attention to a law which evidently he has overlooked?

Mr. OLMSTED. Surely.

Mr. MANN. The act dividing the District of Columbia into two counties, continuing in force the laws of Virginia and Maryland in those parts ceded by each State separately, and providing for the establishment of courts, passed in 1801, and the county of Washington has continued as that part ceded by the State of Maryland.

Mr. OLMSTED. I yielded to the gentleman, who said he would call my attention to a law with which I was not familiar. I am familiar with that one. That was passed in 1801. That made two counties, namely, Washington County and Alexandria County. In 1846 the people down in Alexandria wanted to get a railroad in there, and as they could not do it otherwise they got an act passed authorizing the retrocession of the territory within that county by the Government to Virginia. The act of 1846 provided that it should go into operation when the people accepted it. They accepted it at a town meeting, not by ballot, but by the living voice. They got it back, and they got the railroad, and they have been wishing they were back in the District of Columbia ever since.

Now, this District never was, so far as I can find, properly christened "District of Columbia" until 1878, although frequently referred to in statutes as the "District of Columbia." That organic act of 1878 wiped out the "county of Washington" and formed one municipality, known as the "District of Columbia," and since 1878, at least, there has been no "county of Washington."

Mr. MANN. I have great respect for the opinion of the gentleman from Pennsylvania, but if he will pardon me I will say that my authority for the statement that the "county of Washington" exists is Aaron Russell, in the office of the Clerk of the House, a notary public of the capital, and while I might be mistaken, I would back his opinion on the subject.

Mr. OLMSTED. Even against the Statutes at Large? I have heard of Aaron. I know him well and called upon him to-day. I told him I understood he was a notary in and for the county of Washington. He said he was. I asked to see his commission. He showed it to me, and it read "the District of Columbia." There was no mention in it of Washington County. Then I called up the register of wills, because that office was provided for the county of Washington when there was such a county. I asked him if he was the register of wills for the county of Washington. He said no; that he was the register of wills for the District of Columbia. Then I looked up the statute and found that the second section of the act of 1878 says that the District of Columbia is that portion of the territory of the United States ceded by the State of Maryland, and so on, and is to be called the "District of Columbia." It refers to the city of Washington and the city of Georgetown, and retains their charters for certain purposes. The tenth section provides that the District of Columbia is the successor of the corporations of Washington and Georgetown, and all the property of said corporations and of the county of Washington is vested in the District of Columbia. It wipes the county out of existence.

Mr. MANN. That recognizes the county and does not wipe it out of existence.

Mr. OLMSTED. I think it does.

Mr. KEIFER. Will you allow me to interrupt you? Is there any provision as to what shall constitute the city of Washington?

Mr. OLMSTED. This act treats of that portion of the District included within the limits of the city of Washington as the same existed on the 1st day of February, 1871. I suppose that is the limitation.

Mr. KEIFER. On yesterday it was said, when we were speaking about the matter of a certain street, that it was in the city of Washington. I am informed it is within the city of Washington, located on regular streets. I was anxious to find out whether there was any boundary that fixed these improvements proposed to be made outside of the city of Washington.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. OLMSTED] has expired.

Mr. GARDNER of Michigan. Mr. Chairman, this is all very interesting as a matter of education, but does not pertain to the bill. I wish we might get forward with that.

Mr. JAMES. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Michigan yield to the gentleman from Kentucky?

Mr. GARDNER of Michigan. I will.

Mr. JAMES. I notice that in this section headed "Disposal of city refuse" there is an item there of "miscellaneous refuse and ashes from private residences in the city of Washington." How much does it cost the Government to haul the ashes from the private residences of the people of the city of Washington?

Mr. GARDNER of Michigan. We can not segregate and tell how much it costs, because it goes into a lump sum.

Mr. JAMES. Well, I know; but this is hardly fair treatment to the taxpayers of the country generally to haul off ashes from the private residences of the people here.

Mr. GARDNER of Michigan. It has been carried for years. It is essential if the city is to be kept clean, and with a class of people we have here if this were not done the city would be very untidy, if not insanitary, in part, which would jeopardize the whole of the people.

Mr. JAMES. The first reason that the gentleman gave, that it has been carried for years, would not be a good one as to why it should be continued. The second reason, that it might interfere with the sanitary condition of the city, would scarcely apply to ashes. Is it not further true that people who want to fill up places in the city would be glad to haul these ashes off without any cost to the Government at all?

Mr. GARDNER of Michigan. Well, they do not in the town where I live. We have to pay for it individually.

Mr. JAMES. Is it not further true that they get pay for these ashes when the Government removes them from private residences?

Mr. GARDNER of Michigan. I can not say as to that.

Mr. JAMES. I move to strike out the words "and ashes from private residences in the city of Washington and the more densely populated suburbs." [Cries of "Vote!"]

The Clerk read as follows:

Page 37, line 26, beginning with the word "and," strike out the words "and ashes from private residences in the city of Washington and the more densely populated suburbs."

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

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Parking commission: For contingent expenses, including laborers, trimmers, nurserymen, repairmen, and teamsters, cart hire, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, and miscellaneous items, $5,000 of which shall be immediately available for labor and for the purchase of machinery and materials to exterminate insects injurious to trees, $42,500.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I want to call attention of the gentleman having charge of the bill to the fact that he ought to insert these words that he insisted upon having in the other paragraph, "including services," otherwise there would be danger of some of these laborers not getting their pay.

Mr. KENDALL. That is provided in the section to which the gentleman refers.

Mr. NORRIS. No; it is not in there.

Mr. MANN. Let me suggest to the gentleman that under the organic act there are certain things that have to be done by contract. This is for labor.

Mr. NORRIS. I understand; and I want the laborer paid. If this is included, you have to let it by contract.

Mr. MANN. This is not one of the things under the organic act required to be done by contract.

Mr. GOULDEN. I would like to ask the gentleman [Mr. NORRIS] the meaning of the language, "$5,000 of which shall be immediately available for labor and for the purchase of machinery and materials," and so forth. Why do we find that so frequently in our appropriation bills of late?

Mr. NORRIS. I did not yield to the gentleman for that purpose, because that does not relate to the question I am raising here.

Mr. GOULDEN. Let the gentleman from Michigan [Mr. GARDNER] answer the question.

Mr. NORRIS. I would like the gentleman to answer the question I propounded. Is it not true, if that general theory is right, that, for instance, if it should be necessary to get a label for a tree that the officials would have to advertise first and receive bids for that label? Or, if line 11, where it says miscellaneous items, has any significance, it might be—would it not be—necessary, if this theory be right, that they would have to advertise for it, if they wanted to use a pound of nails, a hatchet, or a hoe, or something of that kind?

Mr. GARDNER of Michigan. I do not so understand it, sir.

Mr. GOULDEN. Now, I would like to ask the chairman of the committee the same question I asked the gentleman from Nebraska a few minutes since.

Mr. GARDNER of Michigan. Why it is made immediately available?

Mr. GOULDEN. Why $5,000 is made immediately available. Was there not a sufficient amount appropriated last year to carry out the work during the entire fiscal year; and if not, why not?

Mr. GARDNER of Michigan. If the insect pests should get to work before the 1st of July, they could draw upon this $5,000 immediately.

Mr. GOULDEN. My idea, as a business proposition, is that these appropriations should carry a sufficient amount for the whole fiscal year.

Mr. GARDNER of Michigan. The gentleman will notice that the appropriation includes that amount.

Mr. GOULDEN. Then there is evidently a deficit in last year's appropriation, or one is expected before June 30.

Mr. GARDNER of Michigan. Yes, sir.

Mr. GOULDEN. I withdraw the pro forma amendment, as I do not desire to impede the progress of the bill.

The Clerk read as follows:

Playgrounds: For maintenance, repairs, including labor, equipment, supplies, and necessary incidental and contingent expenses, $3,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve a point of order to that paragraph for the reason that it is entirely new matter not authorized by existing law. In that connection I wish to call attention to the fact that under this paragraph, appropriating $3,000 for the maintenance and repairs of playgrounds, the very next paragraph, in order to carry out that $3,000 allowance, creates 47 new offices at an expense of $15,870.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order against the paragraph.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman is anticipating a paragraph which we have not yet reached.

Mr. JOHNSON of Kentucky. I explained that fully.

Mr. MANN. Let us have the point of order determined. This precise question was passed on last year and the point of order was overruled.

Mr. PARSONS. The Chair will find the decision of last year in Volume XLV of the CONGRESSIONAL RECORD, part 1, page 225. The point of order was made to this paragraph:

For maintenance, repairs, equipment, supplies, toilet facilities, and shelter houses, $22,000.

The Chair overruled the point of order made against that item.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Chairman, the existing law is to be found on page 18 of the act passed last year. This bill reads as follows:

Playgrounds: For maintenance, repairs, and equipment and supplies, $3,000.

This is therefore an entirely different proposition.

Mr. MANN. No; but that is not the point that was presented to the Chair last year at all.

Mr. JOHNSON of Kentucky. That is the point that is being presented to the Chair this year.

Mr. MANN. I understand; but the gentleman forgets, possibly, that the Chair ruled upon the precise question now presented to the Chair last year, and ruled the item in order. Subsequently the amount was raised, and the latter part of the provision in the law was inserted. So that we have the ruling of the Chair of last year, which ordinarily would be considered as sufficient authority, overruling the point of order.

Mr. JAMES. But the point which the gentleman from Kentucky [Mr. JOHNSON] makes is that under the act the appropriation ought to be made from the funds of the District alone, whereas this is taken from the funds of the District and the Government equally.

Mr. MANN. That is another proposition. The question now is on the point of order. The Chair ruled the item, practically as it now is, in the bill of last year, to be in order. It did not then include the provision that it should be paid wholly out of the funds of the District of Columbia.

Mr. JOHNSON of Kentucky. I contend that there is no provision of law for this appropriation of $3,000.

The CHAIRMAN. Does the gentleman from Kentucky contend that there are no playgrounds provided for in the city of Washington?

Mr. JOHNSON of Kentucky. There is nothing in the organic act providing for the establishment of playgrounds.

The CHAIRMAN. Have no playgrounds been established in the District of Columbia? Are there any playgrounds actually existing in the District of Columbia provided by law?

Mr. TAYLOR of Ohio. There are a number of them.

Mr. JOHNSON of Kentucky. Not to be supported by the General Government and not provided for in the organic act.

The CHAIRMAN. Can the gentleman state if there are any that were established by legislation?

Mr. JOHNSON of Kentucky. The burden is on the other side, but I say there is no existing law for the imposition of a tax to be paid out of the funds of the United States and the District of Columbia for the maintenance of playgrounds.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER of Michigan. The gentleman is confused or has been misinformed, I think. The United States and the District of Columbia together own a very considerable property in this city devoted to playgrounds. I will call the gentleman's attention to one over at Georgetown, where we have a playground that cost a lot of money, paid in part by the Government and part by the District. Out at Rosedale there is a fine tract of land, owned and improved like that in Georgetown, jointly by the District and by the Government. We own other tracts, but I specify those in particular. There can be no question about this paragraph being in order. Owning the ground and having equipped the playgrounds, it is a part of the duty of the Government, or of the District of Columbia, whichever the House may vote, to provide and maintain their material equipment.

Mr. JAMES. Under the section following that, providing for the expenditure of $15,000 for various employees named therein, the paragraph concludes with this language:

which sum shall be paid wholly out of the revenues of the District of Columbia.

Mr. GARDNER of Michigan. We can take that up when we reach it.

Mr. JAMES. The point of the gentleman from Kentucky is that this section to which he has made the point of order ought to have the same provision that is here read. It should be:

which sum shall be paid wholly out of the revenues of the District of Columbia.

And then it would not be subject to the point of order; but that this section here, now under consideration, leaves it so that the sum of $3,000 is to be paid from the general funds of the District and the Government equally.

Mr. GARDNER of Michigan. And I maintain ought to be, because they own them jointly.

Mr. JAMES. The point that the gentleman from Kentucky makes is that there is no law for it.

Mr. MANN. Mr. Chairman, we own the playgrounds, and the Chairman, when the question was presented before, held that, owning them, we had a right to maintain them. It would be a queer proposition to say that we might purchase property under a provision of law and then could not maintain the property; that is the only question involved here.

Mr. JAMES. The fact that the Government owns property does not authorize it to go out and erect buildings on it or to expend money upon it.

Mr. MANN. If it were a building would we not be authorized to hire a janitor to keep it clean?

Mr. JOHNSON of Kentucky. Not necessarily.

The CHAIRMAN. In the consideration of the District appropriation bill last year substantially the same question arose, and the Chair, in deciding the question at that time, used this language:

The question raised by this point of order is not whether the Government is compelled to maintain these playgrounds, but whether this proposed appropriation is in violation of the rule of this House against expenditures not previously authorized by law. There is a notable exception to the rule, namely, in the case of the continuation of appropriations for such public works and objects as are already in progress. There is no dispute that these playgrounds are already in progress or in operation. This bill proposes an appropriation for the repairs, equipment, and supplies for these playgrounds. In 1900, on December 30, when the Indian appropriation bill was under consideration, Mr. JOSEPH G. CANNON, of Illinois, offered an amendment to equip vessels of the Coast and Geodetic Survey. The same point of order was made there that is made here, but Mr. BOUTELL, of Illinois, then in the chair, overruled the point of order, and considered the equipment as in continuation of a public work already in progress.

Following that line of argument, the Chair then overruled the point of order, and it seems clear to the Chair in the present case that these parks having been acquired by the Government and being now in use in the District of Columbia, an appropriation for their maintenance is in order. It is not the province of the Chair to decide whether the Government should maintain these parks out of the revenues derived wholly from the District or on the half-and-half plan. It is only for the Chair to decide whether or not this paragraph is in order. It seems to the Chair that these parks being owned by the Government, it is in order to appropriate for their maintenance. Therefore the point of order is overruled.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill if there is any objection to passing over this item until after the next item has been considered.

Mr. GARDNER of Michigan. I have no objection, if we can get along with the bill.

Mr. MANN. Mr. Chairman, I ask unanimous consent that this item may be temporarily passed without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

For salaries: Clerk, $840; supervisor, 10 months, at $150 per month; directors, assistant directors, and watchmen, to be employed not exceeding seven months, as follows: Nine directors, at $75 per month each; 2 assistant directors, at $60 per month each; 1 assistant director, at $50 per month; 1 watchman, at $25 per month. To be employed not exceeding three months, as follows: One director, at $75 per month; 6 assistant directors, at $60 per month each; 3 assistant directors, at $50 per month each; 5 assistants, at $45 per month each; 8 assistants, at $40 per month each; 2 watchmen, at $45 per month each; and 7 watchmen, at $45 per month each for 12 months; in all, $15,870, which sum shall be paid wholly out of the revenues of the District of Columbia.

Mr. PARSONS. Mr. Chairman, I move to amend by striking out in lines 16, 17, and 18, page 39, the words "which sum shall be paid wholly out of the revenues of the District of Columbia."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Lines 16, 17, and 18, page 39, strike the words "which sum shall be paid wholly out of the revenues of the District of Columbia."

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order against the paragraph.

Mr. PARSONS. The gentleman is too late to make the point of order against the paragraph.

Mr. JOHNSON of Kentucky. This is the first opportunity I have had to get recognition; two men can not be recognized at once.

Mr. MANN. A Member does not have to be recognized to make a point of order.

Mr. JOHNSON of Kentucky. One must be recognized by the Chair before he can address the committee. If the gentleman withdraws his motion I will withdraw my point of order.

Mr. MANN. But the gentleman's point of order is not in order.

The CHAIRMAN. The Chair will state that the gentleman from Kentucky and the gentleman from New York rose at the same time. As neither was a member of the Committee on Appropriations the Chair exercised the discretion vested in him and recognized the gentleman from New York.

Mr. JOHNSON of Kentucky. The best I could do was to secure recognition immediately after the gentleman from New York concluded.

Mr. PARSONS. I looked around and saw that no one rose, and I offered the amendment.

The CHAIRMAN. The gentleman from Kentucky could have made his point of order before the reading of the amendment began.

Mr. JOHNSON of Kentucky. How was I able to make it without recognition?

Mr. OLMSTED. The gentleman from Kentucky did not need recognition.

The CHAIRMAN. The Chair noticed particularly, and was surprised that no one made the point of order. He expected the gentleman from Kentucky would rise and make the point of order.

Mr. MANN. Mr. Chairman, it is perfectly plain that the gentleman from Kentucky did not rise to make a point of order in time, but if the gentleman from Kentucky was under the impression that in order to make a point of order it was necessary to be recognized by the Chair, following the recognition of somebody else, I do not think anybody here ought to be technical on that point and prevent the gentleman making the point of order, although I am opposed to striking out this item of the bill.

The gentleman has the right, as has anybody else, to rise and make a point of order. It does not require recognition.

Mr. JOHNSON of Kentucky. But if I was not recognized how could I make the point of order?

Mr. MANN. It does not require recognition to make the point of order.

Mr. JOHNSON of Kentucky. I take issue with the gentleman, that it does require recognition from the Chair before a gentleman can make any motion.

Mr. MANN. The gentleman is entirely mistaken. He is entitled to rise on any privileged matter and address the Chair.

Mr. JOHNSON of Kentucky. He is entitled to rise, but not to make a motion before he is recognized.

Mr. OLMSTED. He does not require recognition to make a point of order.

Mr. JOHNSON of Kentucky. One must be recognized before he can do it.

Mr. FITZGERALD. If the gentleman were on his feet——

Mr. MANN. Well, he was not on his feet.

Mr. FITZGERALD. He is at liberty to make a point of order, whether he is recognized or not.

Mr. MANN. He was not on his feet.

The CHAIRMAN. The Chair is very clear as to the facts of the case. If the committee will bear with the Chair, he will state the facts. The two gentlemen arose at once. The Chair recognized the gentleman from New York [Mr. PARSONS]. The gentleman from Kentucky [Mr. JOHNSON] was on his feet seeking recognition at that time. The Chair, exercising the discretion which he has, recognized the gentleman from New York. Thereupon the gentleman from Kentucky sat down in his seat and waited until after the gentleman from New York had offered his amendment and the Clerk had begun to read it at the desk before he again arose. Those are the facts.

Mr. FITZGERALD. I submit, under the statement of facts by the Chair, that if the gentleman from Kentucky addressed the Chair for the purpose of making the point of order he is entitled to make his point of order, even though the Chair recognized the gentleman from New York to offer his amendment.

The CHAIRMAN. The Chair has no knowledge as to the purpose for which the gentleman rose.

Mr. JAMES. But the Chair must take the gentleman's statement.

Mr. FITZGERALD. If the gentleman was on his feet and stated that it was for the purpose of making a point of order, he is not too late to make the point of order, although he did wait until, in an orderly manner, the Clerk had concluded reading something which had been sent to the desk.

The CHAIRMAN. The Chair understands very well that the right to make the point of order carries with it the right to recognition, and if the Chair had been informed by the gentleman from Kentucky that he rose for that purpose it would have been the duty of the Chair to recognize him, but the gentleman from Kentucky did not so inform the Chair, and the Chair was unaware for what purpose the gentleman rose.

Mr. JOHNSON of Kentucky. Will the Chair please inform me how I could have indicated the purpose for which I rose until I was recognized?

Mr. OLMSTED. Yes; by merely stating, "I rise to make a point of order." That is the way to do it.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. PARSONS. Mr. Chairman, before offering the amendment, suspecting somebody might wish to make a point of order, I looked around to see if anyone was on his feet to make the point of order. Seeing that no one was, I then offered the amendment. If the gentleman from Kentucky says that he was on his feet and that I was mistaken in what I thought I saw and he was on his feet——

Mr. JOHNSON of Kentucky. Yes; I was on my feet.

Mr. PARSONS (continuing). Intending to make a point of order, then I do not care to have him deprived of that by any technicality, by the fact that I was recognized first.

Mr. OLMSTED. Mr. Chairman, if the gentleman will permit me just one second, I think the Chair is mistaken in thinking that the gentleman from Kentucky did rise. I was watching, and I think he did not rise until after the gentleman from New York had offered his amendment, and he afterwards said to the gentleman from New York that if he would withdraw his amendment he would withdraw the point of order, which would imply that he did not intend to make the point of order until he found an amendment was to be offered. I think if the gentleman from Kentucky is asked that question he will so state.

The CHAIRMAN. The Chair is very clear that the gentleman from Kentucky rose about the same time that the gentleman from New York did, but he said nothing whatever.

Mr. JAMES. But the Chair recognized the gentleman from New York.

The CHAIRMAN. He did, but if the gentleman from Kentucky had said that he rose to a point of order, the Chair would have recognized the gentleman from Kentucky.

Mr. JAMES. I understand the gentleman from Kentucky [Mr. JOHNSON] had a point of order which he desired to present to the House, but was so modest he did not want to be so discourteous as to interrupt the gentleman the Chair so generously recognized. That is the characteristic of all of our Kentuckians, I will say. [Applause.]

Mr. GARDNER of Michigan. If he wanted——

Mr. JAMES. And so these quick New Yorkers ought not to be desirous of taking advantage of the courtesy of a Kentuckian.

Mr. GARDNER of Michigan. Regular order!

Mr. JOHNSON of Kentucky. The Chair will bear me out that thousands of times we have heard the Speaker ask a gentleman "for what purpose" he did rise before recognizing him; and, when I addressed the Chair, I understood the proper procedure was for the Chair to recognize me to offer my point of order; and, if he had recognized me first, I would have made my point of order.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Mr. Chairman, I must insist on the House proceeding.

The CHAIRMAN. The gentleman will bear with the Chair for a moment. The Chair does not admit that he failed in any way to discharge his full duty in exercising a discretion to recognize one gentleman or another, and in this case neither gentleman was a member of the committee in charge of the bill, and there was no reason why he should have recognized one rather than the other, not knowing for what purpose either gentleman arose, neither gentleman stating for what purpose he arose.

Mr. JOHNSON of Kentucky. That is what I say, Mr. Chairman. You had the right of recognition, which the Chair exercised——

The CHAIRMAN. The Chair did.

Mr. JOHNSON of Kentucky. And having recognized the other gentleman, I certainly ought not to be deprived of recognition.

Mr. PARSONS. Will the gentleman from Kentucky yield to a question?

The CHAIRMAN. If the gentleman had stated to the Chair that the purpose for which he arose was to make the point of order the Chair would have instantly recognized the gentleman.

Mr. JOHNSON of Kentucky. It is my interpretation of the rules, Mr. Chairman, so recognized by the Speaker of this House every day, that when a gentleman arises and asks for recognition that the Speaker asks "for what purpose" the gentleman arises. I have heard the Speaker frequently ask that question.

Mr. PARSONS. Will the gentleman from Kentucky yield for a question? Was the gentleman from Kentucky on his feet seeking recognition to make the point of order at the time I was on my feet to offer the amendment?

Mr. JOHNSON of Kentucky. I do not know when the gentleman was on his feet. I know as soon as——

Mr. BURKE of Pennsylvania. Mr. Chairman, I make the point of order that this discussion is not in order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] demands the regular order.

Mr. PARSONS. I do not desire to take any technical advantage of the gentleman from Kentucky. If at the time the conclusion of the reading of the paragraph occurred the gentleman was on his feet seeking recognition to make his point of order, then, I think, he should be allowed to make his point of order, and I do not wish to stand or my amendment to stand in the way of that. [Cries of "Regular order!"]

I have asked the gentleman whether he was on his feet, and if the gentleman says he was——

Mr. JOHNSON of Kentucky. I do not know whether or not he was on his feet, because I was not looking at him; I was looking at the Chair.

Mr. PARSONS. Will the gentleman yield for another question?

Mr. JOHNSON of Kentucky. Yes; two of them.

Mr. PARSONS. Was the gentleman on his feet?

Mr. JOHNSON of Kentucky. I was upon my feet at the conclusion of the reading of that paragraph, seeking recognition——

Mr. PARSONS. For the purpose of making a point of order?

Mr. JOHNSON of Kentucky. For no other purpose.

Mr. PARSONS. For that purpose? Seeking recognition for that purpose?

Mr. JOHNSON of Kentucky. Yes; of course; for no other.

Mr. PARSONS. Then, Mr. Chairman, I ask unanimous consent to withdraw my amendment, which was read, and let the gentleman make his point of order.

Mr. KENNEDY of Ohio. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Ohio. Mr. Chairman, it seems to me the gentleman from New York and the gentleman from Kentucky are both abusing the patience of the House. I do not know what is in order here before the House.

The CHAIRMAN. The gentleman from New York was just submitting a request for unanimous consent, and the Chair will hear the gentleman.

Mr. PARSONS. Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment for the purpose of allowing the gentleman from Kentucky [Mr. JOHNSON] to make his point of order.

The CHAIRMAN. The gentleman from New York [Mr. PARSONS] asks unanimous consent to withdraw his amendment for the purpose of allowing the gentleman from Kentucky to make his point of order. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order as to the paragraph. It is not authorized by existing law.

The CHAIRMAN. Will the gentleman please state his point of order again?

Mr. JOHNSON of Kentucky. It is not authorized by law. It is new matter.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. JOHNSON of Kentucky. That is all I desire to say about it. This provides for the creation of 47 new offices in the District of Columbia.

The CHAIRMAN. The gentleman means that this is legislation?

Mr. JOHNSON of Kentucky. That it is legislation; yes, sir.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] wish to be heard on the point of order?

Mr. GARDNER of Michigan. No further than to say this, that under another form this money, or a similar amount, has been expended year after year, although amounts have not been specifically named in the bill. I would say that the money is necessary. It has been appropriated in other years. This is simply a list of teachers, janitors, and others, made by the commissioners in order to show in detail the expenditure of money which hitherto has been paid out of a lump sum.

Mr. BORLAND. Mr. Chairman——

The CHAIRMAN. Can the gentleman cite the Chair to any existing law authorizing this expenditure?

Mr. GARDNER of Michigan. It is just exactly the same as for the teachers in the public schools and for public works in progress and the necessity for caring for a thing which you have caused to exist in order to get that for which it was designed.

Mr. BORLAND. Will the gentleman yield for a question?

The CHAIRMAN. The Chair will hear the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. I want to ask the chairman how many of these playgrounds there were, if he knows?

Mr. GARDNER of Michigan. How many numerically?

Mr. BORLAND. Yes, sir.

Mr. GARDNER of Michigan. I can not say. I know how many there are in the public schools. There are 36 of those for which we make appropriations.

Mr. BORLAND. But these are not those which are connected with the public schools?

Mr. GARDNER of Michigan. These are spaces that have been bought by the District and by the Government combined and have been equipped. And it is now maintained, I think, by all the people who are cognizant with the playground movement that it is necessary to have the equipment, and after equipment they must have teachers and caretakers.

Mr. BORLAND. Does the gentleman know how many of them there are?

Mr. TAYLOR of Ohio. The District and the Government own outright, to average them up, $75,000 of playgrounds. There is one in Georgetown and one known as Rosedale. There are separate spaces, however, which the Government and the District have taken possession of—parks and Government lands—and converted into playgrounds.

Mr. BORLAND. How many of those are there?

Mr. TAYLOR of Ohio. I think there are four or five, altogether.

Mr. BORLAND. Does it take 17 of these employees to look after them? Would not one supervisor, or one assistant, or one caretaker, or whatever you call it, at each playground, be sufficient?

Mr. JOHNSON of Kentucky. There are 47 employees.

Mr. TAYLOR of Ohio. Those familiar seem to think not, and I think not.

Mr. BORLAND. If you will bear with me just a minute, I am a very enthusiastic playground advocate, but the great trouble with this playground movement in the District has been that it seems to be overridden with employees, and it is going to be an injury to the playground idea and to the whole playground movement, if that kind of thing does exist. It seems to me the committee ought to be able to tell us how many playgrounds there are and how many employees.

Mr. TAYLOR of Ohio. That is just what we are trying to do by this paragraph that has been attacked by the point of order. Heretofore they were paid out of a lump sum, and now it is to be turned over to the commissioners, and we set out specifically the people to be employed.

Mr. BORLAND. Was it not from the fact that you were paying these people out of a lump sum that all this dispute arose?

Mr. TAYLOR of Ohio. The commissioners have gone over that, and think that these are the necessary employees for the playgrounds.

Mr. BORLAND. And did not the Members of this House want these places specified and the sum specified, so that we could know exactly just what was being paid for playgrounds? Did not the opposition to the appropriation for playgrounds originate in the fact that too much money was paid for direction and employment?

Mr. TAYLOR of Ohio. You want to know how the money has been spent. In this bill we are trying to show how the money is spent.

Mr. BORLAND. Can not the committee tell how many there are, whether it is one or two, and if the employees are not sufficient at each of the places?

Mr. TAYLOR of Ohio. I will get that for the gentleman.

Mr. JOHNSON of Kentucky. I wish the Chairman to bear in mind my point of order, that this is creating 47 new offices, and there is no law to warrant it.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. One of the provisions of the item is—

which sum shall be paid wholly out of the revenues of the District of Columbia.

The organic act of 1878 provides that the commissioners shall furnish, first—

An itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

Then that the Secretary of the Treasury shall consider that, etc., and finally transmit it to Congress.

To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

As that has been construed, it means that we should appropriate one-half of the amount to be expended by the District Commissioners in the District out of the public funds, and the other half out of the money in the Treasury to the credit of the District of Columbia. That is the permanent law under which we make appropriations; and the provision in the item now, that this shall "be paid wholly out of the revenues of the District of Columbia," is in conflict with that organic law of the District, hence is a change of existing law, and therefore subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. It seems clear to the Chair that this provision is intended to show in detail the manner of expenditure of a sum that has heretofore been appropriated as a lump sum. As an individual Member of this House it would seem to the present occupant of the Chair that that would be a very wise provision. As Chairman of this committee a different question is presented. It appears to the Chair clearly that this is legislation, or an attempt to legislate, by creating quite a number of new places which are not provided for under any law which has been brought to the attention of the Chair. This, in addition to the point just raised by the gentleman from Illinois [Mr. MANN], that it changes, or attempts to change, existing law. For both of these reasons the Chair sustains the point of order.

Mr. GARDNER of Michigan. I move as an amendment to the preceding paragraph, which was passed by unanimous consent, that it be amended so as to read——

Mr. MANN. That does not come up now. You can not dispose of it this evening. The proposition here is one of the active things that has been before the House for years.

Mr. GARDNER of Michigan. The gentleman from Illinois would like to delay the matter.

Mr. MANN. It is already delayed by being passed over without prejudice.

Mr. BOWERS. I want to clearly understand this matter. It relates to the paragraph which has been passed over without prejudice. If it is to be taken up upon motion, I shall insist upon taking it up now, and if there is no other way of getting it up will move an amendment to the paragraph. If, as stated by the gentleman from Illinois, it can only be taken up by unanimous consent, I am perfectly willing it should go over.

Mr. MANN. It is not very material when it is taken up. It has been passed without prejudice. Under the usual rule it would go over until the reading of the bill was concluded or be taken up by unanimous consent. But I notice the committee is not very full this afternoon, and this matter has been one of the subjects of active agitation. I do not believe a vote satisfactory to either side of the membership here could be had this evening.

Mr. BOWERS. I agree with the gentleman thoroughly.

Mr. MANN. I am perfectly willing to spend the rest of the afternoon upon the subject, if the committee desires any such proceeding.

Mr. BOWERS. We can not get a satisfactory vote this afternoon. I therefore suggest fixing a time at which the vote shall be taken.

Mr. MANN. That is perfectly satisfactory.

Mr. BOWERS. I therefore move that this matter of the playgrounds be taken up at the very next session of the committee.

Mr. MANN. That is satisfactory.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the paragraph just passed without

prejudice be considered first when this bill is taken up on another day.

Mr. JOHNSON of Kentucky. I object, Mr. Chairman.

Mr. BOWERS. Then I move to amend the paragraph just passed by inserting $4,000 in place of $3,000.

Mr. MANN. Mr. Chairman, I make the point of order that that paragraph is not before the House.

Mr. JOHNSON of Kentucky. I make the additional point of order, Mr. Chairman, that the Chair has already ruled this paragraph out on the ground that it creates new offices.

Mr. BOWERS. The gentleman from Kentucky is laboring under a misapprehension.

The CHAIRMAN. The question is on returning to the section preceding that has already been passed without prejudice.

Mr. BOWERS. After consultation with the gentleman from Kentucky, I understand that he is willing to withdraw his objection to the request which I made a moment ago, that the item of playgrounds be taken up immediately on the resumption of the consideration of the bill on the next day when it is considered.

The CHAIRMAN. The gentleman from Mississippi renews his request for unanimous consent that the paragraph just passed without prejudice be taken up for consideration immediately upon the taking up of this bill for consideration on another day. Is there objection?

There was no objection.

The Clerk read as follows:

Interior park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the Engineer Commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $50,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order against that that it is legislation not authorized by law.

Mr. GARDNER of Michigan. Mr. Chairman, the committee will not insist, but concedes the point of order, at the same time maintaining that it is a good thing to do.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

The Commissioners of the District of Columbia are empowered to effect a settlement for arc lighting under the existing contract with the Potomac Electric Power Co. from the date of said contract to the date of approval of this act.

Mr. JOHNSON of Kentucky. Mr. Chairman, in reserving the right to make a point of order I would like to ask the chairman of the committee to explain this item fully—why it is that this authority is given to the commissioners instead of resorting to the courts.

Mr. GARDNER of Michigan. Mr. Chairman, the matter has been gone into very fully by the District Commissioners. Your committee believe that they are thoroughly competent to arrive at an equitable and just settlement of the points in controversy, and that it can be done without a resort to the courts.

Mr. JOHNSON of Kentucky. Will the chairman please inform me——

Mr. TAWNEY. If the gentleman from Michigan will permit me, I desire to say for the information of the gentleman from Kentucky that it is the judgment of the committee that if the District should go into court in this matter and attempt to recover——

Mr. JOHNSON of Kentucky. They have not paid out the money, as I understand.

Mr. TAWNEY. I understand they have not paid it out—the chances are, in the opinion of the lawyers on our committee, that the District would not, in all probability, recover anything.

Mr. MANN. Has the money been paid out?

Mr. TAWNEY. They are withholding the payment under the contract which exists to-day, pending the settlement of this proposition as proposed in this bill. If the rates which are now fixed by this bill become the legal rates, then the payments to the lighting company that are past due will be made on the basis of this settlement here. Otherwise we would have to pay the full rate, and it is doubtful whether a better contract or as good a contract as this one could be obtained. The commissioners have effected a settlement to that extent, that if these rates are adopted as the legal rates for the lighting of the city, then from the time the payments were stopped under the existing contract settlement will be made upon this same basis.

Mr. JOHNSON of Kentucky. If I am correctly informed by the chairman of the subcommittee, this electric-lighting company has not furnished the character of light in quantity that was provided for by the contract; and, because it has not so furnished this light, a sum of money sufficient in the opinion of the District authorities to cover the light which the company has not furnished, has been withheld. Now, as long as the commissioners are retaining that sum of money then it becomes necessary for the electric lighting company to sue the Commissioners of the District in order to recover; and I doubt the propriety of the commissioners settling with them so easily. In order that the company may be punished, I think this money ought to be withheld from them as long as possible, and that the company ought to be compelled to go through the routine of all the courts that they may not be so easily set free and acquitted of having intentionally or unintentionally deprived the Government, in the quantity, of light which they should have supplied and which they did not.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman from Kentucky does not state the question quite squarely.

Mr. JOHNSON of Kentucky. I am seeking information.

Mr. GARDNER of Michigan. As was stated yesterday, there was a contract entered into between the commissioners and the Potomac Electric Power Co. in the year 1889 to furnish lamps of 1,000 candlepower. At that time, as was stated yesterday, there was no accurate measurement of the power of those lamps. There was an extreme flash at a certain angle that did reach 1,000 candlepower, but there were many outages and shadows.

Hence in the process of development of lighting by electricity there came on the market the closed arc light as against the open arc light. The closed arc lamp was put in, 27 of them for a year, and proved to be so satisfactory that the then commissioners advised the substitution of them for the open arc, all agreeing that the closed arc gave a much better light.

Mr. JOHNSON of Kentucky. The question that I am after is, Which is better, to have this matter settled by the commissioners or by the court?

Mr. GARDNER of Michigan. Let me finish my statement. Now, the substitution of the magnetite lamp followed that of the closed arc at the suggestion of the commissioners, or at their request, because it proved to be a better lamp than the closed arc.

The commissioners and the electric-light company were agreed in this, that they gave the best light in the successive lamps, although 700 candlepower was not exceeded in any one of the three. The present commissioners having discovered the discrepancy, have arranged a basis of settlement to this extent: That we will get a better light than we get now at a reduction of $20,000 for the first, second, and third year, and in the meantime in a readjustment of certain lamps there will be a net saving of $50,000 a year.

Mr. JOHNSON of Kentucky. Does that tentative agreement have a provision in it that these people shall be relieved?

Mr. GARDNER of Michigan. Not in the least. And I want to repeat the statement of the chairman of the Committee on Appropriations that this matter was gone into most carefully and it was the judgment of all the lawyers on the committee that there was grave doubt, when you consider the compromise between the commissioners and the electric-light company, whether we could recover in a suit at law.

Mr. COX of Indiana. Will the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. COX of Indiana. What is the amount of the disagreement between the Commissioners of the District and the company?

Mr. GARDNER of Michigan. I have stated that, as far as the outstanding agreement goes, there is an open question to be settled if the bill passes as provided by the commission.

Mr. TAWNEY. If the gentleman from Michigan will permit me, I will read a paragraph in a letter from Mr. Walter C. Allen, the electrical engineer of the District of Columbia, written recently and addressed to Mr. Judson, the engineer commissioner of the District. I will say, before reading this paragraph, that this change from the 1,000-candlepower open arc light to a 700-candlepower closed arc light was made with the knowledge of the then commissioners and on the recommendation of the electrical engineer. Now, he says:

The lamp described in the above-mentioned resolution was of the type then in use on the streets of the District of Columbia. This was the type that was supposed to give "1,000 actual candlepower;" in a limited and very technical sense it could be considered as complying with that requirement, for, at intervals, when the arc remained sufficiently steady to secure a reading on the testing instruments, a value of 1,000 candles or more could be secured momentarily. This value could only be obtained at an angle of distribution inefficient for street-lighting purposes. Moreover, this occasional high reading would not

compensate for the dark shadows cast immediately around the lamp, nor would it offset the frequent outages. It was the best arc lamp—in fact, the only arc lamp—obtainable at that time. As soon as the reliable operation of the inclosed lamp was thoroughly demonstrated, it was chosen as more than the equivalent of the open type. For 13 years, from 1889 to 1901, the open-type lamps were used under a law requiring each of them to be of 1,000 actual candlepower, although it was recognized by scientific bodies and by technical men that the accurate measurement of the illuminating power of such lamps was a difficult if not an impossible matter. This feature of the situation was brought to the attention of Congress, with recommendations that the ambiguity in the law be removed and the standard of measurement clearly and intelligently stated.

Under these conditions, then, a reasonable interpretation of the law would indicate that a lamp equal in its illuminating value to that accepted by Congress as being of 1,000 candlepower would meet all the requirements of that law. That the inclosed lamp is far superior to the open-type lamp, is conceded by all.

My recommendation that a change be made in the arc lamps was published in full by the daily press on November 1, 1901, at the time it was approved by the commissioners, while my annual reports for 1901, 1902, and 1903 contain statements regarding the experiments with the new style lamps and reports of the progress of the work of substitution.

Now, I want to say that if this is not settled in this way, it will not be settled at all.

Mr. COX of Indiana. That throws considerable light on this question, but I want to ask the gentleman if he has any information as to the actual amount of money in controversy.

Mr. TAWNEY. It is purely a technical question whether or not there is any money due the District, because if the 700-candlepower inclosed arc lamp is equal to the 1,000-candlepower open arc lamp there is nothing due. The electrical engineer says that he regards the light more steady and a more valuable light than the 1,000-candlepower open arc light in use at that time.

Mr. COX of Indiana. Does the lighting power company contend for the 1,000-candlepower arc lamp?

Mr. TAWNEY. No; they changed from the open arc lamp, which has been abandoned in most all of the cities, with the approval of the commissioners, which approval was given on the recommendation of the electrical engineer of the District. They changed from the open arc lamp of the 1,000 candlepower to the 700-candlepower inclosed arc lamp, which is the arc light now used.

Mr. COX of Indiana. The controversy has been going on for a great many years, has it not?

Mr. MANN. The practice has been going on for many years, but no controversy.

Mr. TAWNEY. There was no controversy until the present commissioners, seeing that the present light was not rated in candlepower equal to 1,000, felt that they were not justified in paying the contract price without reporting the facts to Congress. In the meantime they negotiated with the Potomac Electric Light Co. for light in the future that will save the first three years $60,000 or more, and after that about $50,000 a year. That is the result of their withholding the money on this contract. They have got a contract and they have got a rate which, if it becomes a legal rate, will inure to the benefit of the people of the District.

Mr. HEFLIN. Mr. Chairman, I would like to ask the gentleman a question. They did have a contract to furnish 1,000-candlepower lights, did they not?

Mr. TAWNEY. Yes.

Mr. HEFLIN. Who gave them permission to furnish only 700 candlepower?

Mr. TAWNEY. The District Commissioners, on the recommendation of the electrical engineer of the District, reported that the inclosed 700-candlepower lights gave more light than the open arc light of 1,000 candlepower.

Mr. HEFLIN. Was it done by the present commissioners?

Mr. TAWNEY. Oh, no; away back in 1901.

Mr. COX of Indiana. How long a term is entered into for these lights?

Mr. TAWNEY. They enter into a yearly contract.

Mr. GARDNER of Michigan. Mr. Chairman, I may say that the present 700-candlepower light consumes a little more electricity than the reported 1,000-candlepower light.

Mr. TAWNEY. It uses more current than the 1,000-candlepower light.

Mr. GARDNER of Michigan. I want to say right here, in the presence of the gentleman, that after investigating with the greatest care we are convinced that the commissioners preceding the present board, as well as the present board, have each acted in great good faith toward the District.

Mr. HEFLIN. Mr. Chairman, I wish to ask the gentleman from Minnesota another question. Is not this electrical engineer also the electrical engineer for the Potomac Electric Light Co.?

Mr. TAWNEY. I did not hear the gentleman's question.

Mr. HEFLIN. The electrical engineer of the District, to whom the gentleman refers, recommended these 700-candlepower lights, and they were accepted by the District Commissioners.

Mr. TAWNEY. Yes.

Mr. HEFLIN. Is he not the same engineer that is employed by the Potomac Electric Light Co.?

Mr. TAWNEY. Oh, no; he is not in the employ of the Potomac Electric Light Co. at all. He is in the employ of the District of Columbia, on the pay roll of the District, and is looking after the electric-light apparatus of the District. He is the head of the electrical department of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, in reserving the point of order I did not care whether the settlement was made by the commissioners or by the courts. I was only undertaking to ascertain which could make a better adjustment of this matter for the District of Columbia. Inasmuch as the present commissioners did not agree to this substitution of lights, I am perfectly willing that a settlement be made by them, but I wish, before withdrawing my motion to offer an amendment, that the commissioners shall report to Congress the settlement of the matter.

Mr. TAWNEY. Just add at the end of the paragraph "and report to Congress."

Mr. JOHNSON of Kentucky. I withdraw the point of order and offer the amendment.

The CHAIRMAN. The gentleman from Kentucky withdraws his point of order and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the paragraph "and report the same to Congress."

Mr. HEFLIN. Mr. Chairman, I would like to ask the gentleman from Kentucky if this is an amendment to have the District Commissioners report their settlement of this matter to Congress.

Mr. JOHNSON of Kentucky. Yes.

Mr. HEFLIN. The difference between the 700-candlepower light and the 1,000-candlepower light?

Mr. JOHNSON of Kentucky. Yes.

Mr. HEFLIN. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Kentucky. This matter ought to be investigated and a report made to Congress. I want to know by what authority the District Commissioners paid these electric companies for 1,000-candlepower lamps when they furnished only 700-candlepower lamps. Here is a resolution that I introduced on this subject on January 16, and I am glad to vote for the amendment now pending, because it will give us some light on the subject:

Resolved, etc., That the Attorney General of the United States be, and he is hereby, directed to take such action as is necessary to recover from the Potomac Electric Power Co. and the Washington Railway & Electric Co., for the District of Columbia, the difference in money which should have been paid on the basis of the 700-candlepower and that which has been paid on the basis of 1,000-candlepower.

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

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

The Clerk read as follows:

PUBLIC SCHOOLS.

Officers: Superintendent of public schools, $5,000; 2 assistant superintendents, at $3,000 each; director of intermediate instruction, 13 supervising principals, and supervisor of manual training, 15 in all, at a minimum salary of $2,200 each; secretary, $2,000; clerk, $1,400; 2 clerks, at $1,000 each; clerk to carry out the provisions of the child-labor law, $900; 2 stenographers, at $840 each; messenger, $720; in all, $52,700.

Mr. PETERS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 45, line 16, insert: "That on, from, and after the 1st day of July, 1911, the board of education of the District of Columbia, created by act of Congress approved June 20, 1906, entitled 'An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education,' shall be abolished; and all powers and duties exercised by the said board of education shall be transferred, and are hereby transferred, to a director of education, who shall be appointed by the Commissioners of the District of Columbia, at a compensation of $7,000 per annum.

"That said director of education shall, under the control and supervision of said commissioners, exercise all the powers and perform all the duties of the board as now prescribed by law, except as said duties may from time to time be changed by the said commissioners; and he shall also perform such other duties as may be assigned him from time to time by the said commissioners.

"That except as herein provided the organization of the public school system of the District of Columbia shall remain as now provided by law, and all appointments, promotions, reductions, transfers, or dis-

missals of any director, supervising principal, principal, head of department, teacher, or any other employee in the public-school system shall be made by the Commissioners of the District of Columbia, in their discretion, upon the written recommendation of said director of education, and not upon the written recommendation of the superintendent of schools, as now provided by law.

"That the tenures of office of the present superintendent, assistant superintendents, and supervising principals of the public schools shall cease and determine from and after June 30, 1911.

"*Provided further*, That the secretary of the board of education shall, on and after July 1, 1911, be designated as chief clerk to the director of education.

"That all expenditures of public-school funds for school purposes shall be made by and accounted for under the direction and control of the Commissioners of the District of Columbia as now provided by law for other expenditures of said District, and said commissioners shall include in their annual estimates of appropriation for the District of Columbia such sum or sums as they shall deem necessary and proper for school purposes.

"That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed."

Mr. BURLESON. Mr. Chairman, on that I desire to reserve a point of order.

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

Mr. TAYNEY. Mr. Chairman, I hope that motion will not prevail. We can go on for a half an hour yet.

The question was taken, and the Chair announced that the Chair was in doubt.

Mr. CARLIN. Division, Mr. Chairman.

Mr. GARDNER of Michigan. Will the gentleman allow me to say that we have made very slow progress to-day—— [Cries of "Regular order!"]

The question was taken; and there were—ayes 38, noes 25.

So the committee determined to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 31856, the District of Columbia appropriation bill, and had come to no resolution thereon.

APPOINTMENT TO COMMITTEE.

The SPEAKER. The Chair announces the following committee appointment.

The Clerk read as follows:

ANDREW J. BARCHFELD to Committee on Rivers and Harbors, vice John K. Tener, resigned.

LEAVE OF ABSENCE.

By unanimous consent, Mr. STURGISS was granted leave of absence for one week on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HUBBARD of Iowa was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William M. Carroll, Fifty-eighth Congress, no adverse report having been made thereon.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 28406) with Senate amendments, to disagree to the amendments of the Senate, and ask for a conference, the same being the Indian appropriation bill.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the Indian appropriation bill, to disagree to the Senate amendments, and request a conference.

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. FITZGERALD. What is the bill?

Mr. MANN. The Indian appropriation bill. The Senate has added very numerous amendments, some of them somewhat lengthy. I desire to ask the gentleman if this action is taken if there will be opportunity given in the House for a separate consideration of some few of these more important amendments, if it becomes necessary.

Mr. BURKE of South Dakota. I say if it becomes necessary we will give the House that opportunity, but I hardly think it will be necessary. There is not any more in the bill than there was last year, and we got along very nicely.

Mr. MANN. The gentlemen on the conference last year did great credit to themselves and to the House in their conference, and yet it may be necessary to have separate consideration in the House on some of the amendments. Some Members desire, I know, that should be done.

Mr. BURKE of South Dakota. I do not think the gentleman will be disturbed over what will be done. We will see that——

Mr. MANN. I rarely am disturbed, but I would like to know——

Mr. PAYNE. I hope the gentleman's request will not make it so there will not be a full and free conference.

Mr. MANN. Not at all. I desire that there shall be a full and free conference. This is a question of giving the House a chance to vote upon an item if the House desires to vote upon it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The Speaker announced the following conferees.

The Clerk read as follows:

Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes) the House adjourned to meet to-morrow, Saturday, January 28, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the secretary of the Philippine Assembly, transmitting a resolution declaring the sale in large and unlimited tracts of land belonging to the so-called friar estates to be contrary to the will, the sentiments, and the interests of the Philippine people (H. Doc. No. 1326), was taken from the Speaker's table, referred to the Committee on Insular Affairs, and ordered to be printed.

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. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 30292) to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes, reported the same with amendment, accompanied by a report (No. 2000), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REEDER, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the Senate (S. 6953) authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes, reported the same with amendment, accompanied by a report (No. 2002), 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 Senate (S. 6842) to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes, reported the same without amendment, accompanied by a report (No. 2003), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMERON, from the Committee on Territories, to which was referred the bill of the House (H. R. 28214) providing for the levy of taxes by the taxing officers of the Territory of Arizona, reported the same with amendment, accompanied by a report (No. 2005), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOOD, from the Committee on Territories, to which was referred the bill of the House (H. R. 31068) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 1999), 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,

Mr. MOREHEAD, from the Committee on War Claims, to which was referred House bill 26119, reported in lieu thereof a resolution (H. Res. 935) referring to the Court of Claims the papers in the case of George Sexton, accompanied by a report (No. 2004), which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 22004) for the relief of the holders of Kaw or Kansas scrip certificates, reported the same adversely, accompanied by a report (No. 2001), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28528) granting an increase of pension to John Mooney, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 32170) for the protection of game in the Territory of Alaska; to the Committee on the Territories.

By Mr. SWASEY: A bill (H. R. 32171) to provide for the further Federal regulation of pilotage; to the Committee on the Merchant Marine and Fisheries.

By Mr. COLE: A bill (H. R. 32172) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906; to the Committee on Irrigation of Arid Lands.

By Mr. THOMAS of Kentucky: A bill (H. R. 32173) establishing the Mammoth Cave National Park; to the Committee on Military Affairs.

By Mr. CROW: A bill (H. R. 32174) to amend section 5191 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. BARCHFELD: A bill (H. R. 32175) to authorize the Department of Agriculture to participate with an exhibit in an international congress to be held at Chicago, Ill., and to allow foreign articles for exhibit at said exhibition to be admitted free of duty, customs fees, or charges; to the committee on Ways and Means.

By Mr. HOWLAND: A bill (H. R. 32176) to provide for the holding of the international Olympic games at Cleveland, Ohio, in the year 1916, and for other purposes; to the Committee on Industrial Arts and Expositions.

By Mr. TAWNEY: Resolution (H. Res. 934) to continue certain number of messengers in House post office; to the Committee on Accounts.

By Mr. MOREHEAD (from Committee on War Claims): Resolution (H. Res. 935) referring the bill (H. R. 26119) for the relief of George Sexton to the Court of Claims; to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 32177) granting a pension to Amanda McLain; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 32178) for the relief of Gaston R. Poitevin; to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 32179) granting an increase of pension to Henry Wheeler; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 32180) granting an increase of pension to James T. Kelly; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 32181) granting a pension to Timothy Hawkins; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 32182) for the relief of F. N. Perkins; to the Committee on Military Affairs.

By Mr. CASSIDY: A bill (H. R. 32183) granting a pension to Josephine Mequillet; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 32184) granting an increase of pension to ——— Godwin; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 32185) granting an increase of pension to Lewis M. Fletcher; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 32186) for the relief of John A. Trowbridge; to the Committee on Claims.

Also, a bill (H. R. 32187) granting a pension to George W. Cloin; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 32188) granting an increase of pension to George Meyers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32189) to correct the naval record of John Stoddart; to the Committee on Naval Affairs.

By Mr. DENVER: A bill (H. R. 32190) granting an increase of pension to George W. Hedges; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 32191) granting a pension to Sudie Hopkins; to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 32192) granting an increase of pension to Edwin Jones; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 32193) granting an increase of pension to William Elpline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32194) granting an increase of pension to Albert R. Dick; to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 32195) granting an increase of pension to Hugh C. Hamilton; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 32196) granting an increase of pension to Jasper N. Wonser; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 32197) granting a pension to Maude S. Sherry and minor children; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 32198) for the relief of James Johnson; to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: A bill (H. R. 32199) granting a pension to Haidee Culler; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32200) granting a pension to Marcus L. Getter; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 32201) granting an increase of pension to Robert A. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32202) for the relief of John Nicholson; to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 32203) granting an increase of pension to Anthony Peterson; to the Committee on Pensions.

Also, a bill (H. R. 32204) granting an increase of pension to Joshua B. Hartzog; to the Committee on Pensions.

Also, a bill (H. R. 32205) granting an increase of pension to John M. Howe; to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 32206) granting an increase of pension to Noah T. Ream; to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 32207) granting an increase of pension to William C. Peters; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 32208) granting an increase of pension to Albert D. Malin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32209) granting a pension to Charles Almendinger; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 32210) granting an increase of pension to Julius E. Henderson; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 32211) granting an increase of pension to George Oatman; 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 City Council of Brunswick, Ga., protesting against legislation directed at the pilotage laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of Town Council of New Shoreham, R. I., praying for the passage of legislation to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Masters, Mates, and Pilots' Association of Tampa, Fla., and Brunswick, Ga., protesting against the passage of the bill relating to pilotage; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Strachan & Co. and other ship brokers, of Charleston, S. C., protesting against legislation to interfere with the pilotage system; to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Federation of Catholic Societies, protesting against any appropriation intended for the National Bureau of Education; to the Committee on Appropriations.

Also, petition of American Home Economics Association, praying for an appropriation for the National Bureau of Education to enable it to employ a specialist; to the Committee on Appropriations.

Also, petition of Aaron P. Prioleau, praying for an additional allowance on account of his expenses as a contestant for a seat in the House of Representatives; to the Committee on Appropriations.

Also, petition of Illinois State Teachers' Association, protesting against the assignment of Government funds to a private institution in the District of Columbia; to the Committee on Agriculture.

Also, petition of International Brotherhood of Blacksmiths and Helpers, of Chicago, Ill., protesting against the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Tuesday Club, of Laurel, Nebr., praying for legislation to prevent tuberculosis among the dairy cows of Nebraska; to the Committee on Agriculture.

Also, petition of committee of the Grand Army of the Republic, of the city of New York, praying for legislation to make Maj. Gen. Daniel E. Sickles a lieutenant general; to the Committee on Military Affairs.

Also, petition of T. A. Apperson Post, Grand Army of the Republic, of Neoga, Ill., praying for legislation to correct the military record of Perry Abercrombie; to the Committee on Military Affairs.

Also, petition of S. F. Wilson and 26 other ex-soldiers of Neoga, Ill., praying for legislation to correct the military record of Perry Abercrombie; to the Committee on Military Affairs.

Also, petition of executive council of the Grand Court of Illinois, Foresters of America, praying for the location of the Panama-Pacific Exposition at San Francisco; to the Committee on Foreign Affairs.

Also, petition of Wheaton College, of Wheaton, Ill., praying for legislation to restrict the opium traffic; to the Committee on Interstate and Foreign Commerce.

Also, petition of town of Sausalito, Cal., praying for the selection of San Francisco as the place for a world's exposition to commemorate the completion of the Panama Canal; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Idaho, praying for the submission of a constitutional amendment to provide for the election of Senators by the people; to the Committee on the Election of President, Vice President, etc.

Also, petition of Charles Conry and 27 others, of Brooklyn, N. Y., praying that the battleship *New York* may be built in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of G. W. McCaslin and two others, of Chester, Ark., praying for legislation to increase the rate of pensions; to the Committee on Invalid Pensions.

Also, petition of Invincible Club, of Brooklyn, N. Y., praying for legislation for an eight-hour day for mechanics employed in Government work; to the Committee on Labor.

Also, petition of Methodist Episcopal Church of Chrisman, Ill., praying for legislation to restrict the traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petition of local meeting of Friends, praying for legislation to prevent the interstate traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of Plymouth Church, of Worcester, Mass.; International Reform Bureau; and faculty of Mount Holyoke College, South Hadley, Mass., praying for the passage of legislation to guard the sale of opium and cocaine in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Wilkin Bros., of Vermilion; W. H. Harvey, of Manteno; Henry Wilkin and six others, of Grant Park; J. M. Gilinis, of Grant Park, and three others; J. W. Hutchison and six others, of Donovan; Grant Jones and one other, of Kankakee; Jack Dion and one other, of Crescent City; W. J. Dick and three others, of Watseka; Frank Lehman and three others, of Herscher; Fred. H. Gibbs, of Indianola; Charles A. Carnahan, of Hume, and six others; Julius Sapiro, of Watseka; Wilson & West, of Martinton; H. H. Harris, of Scotland; Carl Engelbrecher, of Rankin; Z. Baron & Co. and two others, of St. Anne, all citizens of the State of Illinois; also Herman Speir and six others, of Lincoln, Nebr.; S. E. Addington, of Bethea, Okla.; R. H. Weir & Co. and six others, of Otis, Colo.; Bob Haney, of Morgan, Okla.; I. B. Chadwick, of Tyro, Kans.; H. J. Cole, of Tracey, Minn.; G. Kalb and six others, of Martin, N. Dak., all protesting against legislation to establish a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON: Paper to accompany bill for relief of John Shellhouse, John Snyder, David W. Young, and George Zubriski; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of business firms of Van Wert, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Paper to accompany bill for relief of Amanda McLain; to the Committee on Invalid Pensions.

By Mr. BURLESON: Petitions of Ice Wagon Drivers and Helpers' Union, Rochester; Binghamton Division, No. 154, Order of Railway Conductors; Cigar Makers' Union, Local No. 483, Gloversville, all in the State of New York; Woman's Club, Kinston, N. C.; Woman's Club, Carpenteria, Cal.; Willimantic (Conn.) Woman's Club; Woman's Club of Kankakee, Ill.; Crescendo Club, Alexandria; Argonaut Club, Bloomfield; and Brewery Workers' Union, No. 78, Logansport, all in the State of Indiana; Brotherhood of Railway Trainmen, Hand in Hand Lodge, No. 183, Clinton, Iowa; Woman's Club of Revere, Mass.; Metal Polishers, Buffers, and Platers' International Union of North America, Detroit, Mich.; Lansing (Mich.) Typographical Union; Iron Molders' Union, Brainerd, Minn.; United States History Class, of St. Louis, Mo.; and Culture Club, of Edina, Mo., urging investigation by Congress of spread of tuberculosis and other diseases in dairy products; also repeal of 10-cent tax on oleomargarine; to the Committee on Agriculture.

By Mr. CANDLER: Paper to accompany bill for relief of John Jones; to the Committee on War Claims.

By Mr. CASSIDY: Petition of Junior Order United American Mechanics, Dayton, Ohio, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CLINE: Petition of business men of the twelfth congressional district of Indiana, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petition of citizens of the fourth Arkansas congressional district, against a rural parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Paper to accompany bill for relief of George Meyer; to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of J. S. Ulch and nine other citizens of Solon, Iowa, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Paper to accompany bill (introduced by Mr. KNOWLAND) for relief of Dr. Dickinson; to the Committee on Pensions.

By Mr. FOCHT: Petition of Lewisburg Council, Junior Order United American Mechanics, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of James Byrne, of New York, favoring bill to increase salaries of Federal judges; to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Engineers and Firemen and Brotherhood of Railway Trainmen, favoring bill S. 6702, Federal inspection of boilers; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. F. McMahon, of New York City, favoring the Gardner illiteracy-test bill, H. R. 13413; to the Committee on Immigration and Naturalization.

Also, petition of E. Eising, of New York City, favoring the outage bill, H. R. 29466; to the Committee on Ways and Means.

Also, petition of Austin Nichols Co. and Lewis De Graff & Son, of New York City, favoring the Esch phosphorus bill, H. R. 30022; to the Committee on Ways and Means.

Also, petition of the Vaughn Paint Co., of Cleveland Ohio, against the Heyburn paint bill, S. 1130; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Rochester Chamber of Commerce, Chamber of Commerce of the State of New York, and the Merchants' Association of New York City, favoring the Lowden bill (H. R. 30888) providing suitable residences for representatives of the United States in foreign countries; to the Committee on Foreign Affairs.

Also, petition of Doras R. McRae and other citizens of Brooklyn, N. Y., against withdrawal of construction of the battleship *New York* at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of John Budd Co. and Charles Gulden, favoring New Orleans as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Kings County Republican Club and many other citizens of New York, demanding the continued construction of the battleship *New York* in the Brooklyn Navy Yard, as per the law of 1910; to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Memorial of Brotherhood of St. Stephen's Evangelical Lutheran Church, of Philadelphia,

for neutralization of the Panama Canal; to the Committee on Military Affairs.

By Mr. FULLER: Petition of James Ward, chairman of the executive committee on legislation of Religious Society of Friends, against the proposal to fortify the Panama Canal; to the Committee on Railways and Canals.

Also, petition of the Illinois State Federation of Labor, concerning the sale of the Walla Walla Military Reservation; to the Committee on Military Affairs.

Also, petition of Harry E. Keck, of Rockford, Ill., for the militia pay bill, H. R. 38436; to the Committee on Militia.

Also, petition of the Illinois Manufacturers' Association, for the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of the National Educational Association, favoring a children's Federal bureau; to the Committee on Expenditures in the Interior Department.

Also, petition of Menot & Bangs, of Lostant, Ill., and J. J. Winters and others, of Garfield, Ill., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Petition of Master Marine Association and Fish Producers, of Gloucester, Mass., against proposed trade agreement between United States and Canada; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of Fred W. Kruse Co. and six others, of Mankato, Minn., and August and Fred. Ebert, of Truman, Minn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota who live on rural routes, for the Hanna bill, H. R. 26791; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of Five Years Meeting of the Society of Friends in America, deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of citizens of the seventh congressional district of Iowa, against local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. JAMIESON: Petition of C. E. Morris, J. Perry Wright Post, No. 188, Grand Army of the Republic, of Coon Rapids, Iowa, favoring the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. JOYCE: Petition of F. W. Pickup, of Zanesville, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Albia, Buxton, Kinross, Barnes City, Ottumwa, and Newton, in the State of Iowa, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Ohio: Petition of citizens of Massillon, in the eighteenth congressional district of Ohio, for enactment of the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the eighteenth congressional district of Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Nathan Hale Council, Junior Order United American Mechanics, of North Lawrence, and of councils in Canton and Wellsville, in the State of Ohio, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KEIFER: Memorial of the annual session of the State Council of Ohio of the Junior Order United American Mechanics, for more stringent laws relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINKAID of Nebraska: Petition of residents of North Platte, Sutherland, Mazel, Ericson, Page, Jandy, Merna, and Lomax, in the State of Nebraska, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of J. J. Irwin and 29 other residents of Petoskey, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Herman Bros. & Hibbler and 13 others of North Branch, Mich., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McKINLEY of Illinois: Petition of Ministerial Association of Urbana, Ill., for the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

By Mr. A. MITCHELL PALMER: Petition of Central Labor Union of Easton, Pa., favoring H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of 38 merchants and others of Havre, Toston, Nashua, Papan, and Harlowton, in the State of Montana, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of G. N. Van Pelt and others, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Paper to accompany House bill 26573, for the relief of Daniel D. Mellen (previously referred to Committee on Invalid Pensions); to the Committee on Pensions.

Also, petition of Eagle Council, No. 8, Junior Order United American Mechanics, for more stringent immigration laws; to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD: Petition of citizens of the first congressional district of Texas, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SHERWOOD: Paper to accompany bill for relief of John Yates (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. SPARKMAN: Petition of citizens of the first congressional district of Florida, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of the Five Years Meeting of the Religious Society of Friends in America, against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of citizens of Saline, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 28, 1911.*

The House met at 12 o'clock m.

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

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

NAVAL APPROPRIATION BILL.

Mr. FOSS, by direction of the Committee on Naval Affairs, reported the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, which, with the accompanying report (No. 2006), was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT. Mr. Speaker, I desire to reserve all points of order on the bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 31856) making appropriations for the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the further consideration of the District of Columbia appropriation bill, with Mr. TILSON in the chair.

Mr. BOWERS. Mr. Chairman, I ask unanimous consent to insert at the end of line 26, on page 38, the lines 1 to 18, inclusive, on page 39 of the bill, which were stricken out of the bill yesterday on the point of order. The matter comprehended in this request is the provision as to the salaries for the maintenance of playgrounds just as it came from the committee.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the paragraph at the top of page 39 of the bill, which went out on a point of order yesterday, may be reinserted in the bill. Is there objection?

Mr. MANN. It ought to be read, of course.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries: Clerk, $840; supervisor, 10 months, at $150 per month; directors, assistant directors, and watchmen, to be employed not exceeding seven months, as follows: Nine directors, at $75 per month each; 2 assistant directors, at $60 per month each; 1 assistant director, at $50 per month; 1 watchman, at $25 per month. To be employed not exceeding three months, as follows: One director, at $75 per month; 6 assistant directors, at $60 per month each; 3 assistant directors, at $50 per month each; 5 assistants, at $45 per month each; 8 assistants, at $40 per month each; 2 watchmen, at $45 per month each; and 7 watchmen, at $45 per month each for 12 months; in all, $15,870, which sum shall be paid wholly out of the revenues of the District of Columbia.